

भारत का राजपत्र The Gazette of India

प्रतिष्ठित द्वारा प्रकाशित
PUBLISHED BY AUTHORITY

सं० 39]

नई दिल्ली, शनिवार, सितम्बर 28, 1996/अश्विन 6, 1918

No. 39]

NEW DELHI, SATURDAY, SEPTEMBER 28, 1996/ASVINA 6, 1918

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांख्यिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विधि और न्याय मंत्रालय
(विधि कार्य विभाग)
(न्यायिक अनुभाग)
सूचना

नई दिल्ली, 9 सितम्बर, 1996

का.आ. 2716. नोटरीज नियम, 1956 के नियम 6 के
अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है
कि श्री रणधीर सिंह ठल्ल, एडवोकेट ने उक्त प्राधिकारी
को उक्त नियम के नियम 4 के अधीन एक आवेदन इस
बात के लिए दिया है कि उसे नरवाणा उपखण्ड, जौंद जिला
(हरियाणा) में व्यवसाय करने के लिए नोटरी के रूप
नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के
प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास
पेशा जाए।

[सं. फा. 5 (180)/96-न्यायिक]
पी. सी. कन्नन, सक्षम प्राधिकारी

MINISTRY OF LAW, JUSTICE AND COMPANY
AFFAIRS

(Department of Legal Affairs)
(Judicial Section)

NOTICE

New Delhi, the 9th September, 1996

S.O. 2716.—Notice is hereby given by the Competent
Authority in pursuance of Rule 6 of the Notaries Act, 1956
that application has been made to the said Authority, under
Rule 4 of the said Rules, by Shri Randhir Singh Dhull,
Advocate for appointment as a Notary to practise in Nar-
vana Sub-Division, District Jind (Haryana).

2. Any objection to the appointment of the said person
as a Notary may be submitted in writing to the undersigned
within fourteen days of the publication of this notice.

[No. F. 5(180)/96-Judl.]
P. C. KANNAN, Competent Authority

गृह मन्त्रालय

New Delhi, the 11th September, 1996

नई दिल्ली, 13 सितम्बर, 1996

का.आ. 2717—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, गृह मन्त्रालय के निम्नलिखित कार्यालयों में हिन्दी का कार्यसाधक ज्ञान रखने वाले कर्मचारियों की संख्या 80 प्रतिशत से अधिक हो जाने के फलस्वरूप उन्हें एतद्वारा अधिसूचित करती है :—

- (1) कार्यालय कमाण्डेंट—2 सिगनल बटालियन, केन्द्रीय रिजर्व पुलिस बल, हैदराबाद।
- (2) कार्यालय कमाण्डेंट—4 सिगनल बटालियन, केन्द्रीय रिजर्व पुलिस बल, नीमच।
- (3) कार्यालय कमाण्डेंट—5 सिगनल बटालियन, केन्द्रीय रिजर्व पुलिस बल, मोहाली।

[संख्या 12017/1/95 (हिन्दी)]
के.सी. कपूर, निदेशक

MINISTRY OF HOME AFFAIRS

New Delhi, the 13th September, 1996

S.O. 2717.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Ministry of Home Affairs where the percentage of Hindi knowing staff has gone above 80 per cent :—

1. Office of the Commandant-2, Signal Battalion, Central Reserve Police Force, Hyderabad.
2. Office of the Commandant-4, Signal Battalion, Central Reserve Police Force, Neemuch.
3. Office of the Commandant-5, Signal Battalion, Central Reserve Police Force, Mohali.

[No. 12017/1/95/Hindi]

K. C. KAPOOR, Director

नई दिल्ली, 11 सितम्बर, 1996

का.आ. 2718—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में गृह मन्त्रालय के निम्न कार्यालयों में हिन्दी का कार्यसाधक ज्ञान रखने वाले कर्मचारियों की संख्या 80 प्रतिशत से अधिक हो जाने के फलस्वरूप उसे एतद्वारा अधिसूचित करती है :—

“सहायक आयुक्ता ब्यूरो, बंगलौर”।

[संख्या 12017/1/95 (हिन्दी)]

के.सी. कपूर, निदेशक (रा.भा.)

S.O. 2718.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Languages (Use for Official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office of the Ministry of Home Affairs where the percentage of Hindi knowing staff has gone above 80 per cent :—

“Subsidiary Intelligence Bureau, Bangalore.”

[No. 12017/1/95/Hindi]

K. C. KAPOOR, Director (OI)

विस्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 17 जुलाई, 1996

(आयकर)

का.आ. 2719—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “श्री गोकर्ण पार्थगाली जीवोत्तम मठ, मुम्बई” को कर-निर्धारण वर्ष 1996-97 से 1998-99 तक के लिए निम्नलिखित शर्तों के अधीन रहने हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिता इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संशयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिता ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किमी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जबकि जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वीच्छिक अंशदान में भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचित किसी ऐसी आय के संबंध लागू नहीं होगी जोकि कारोबार से प्राप्त लाभ तथा अभिलाष के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10155/फा.सं. 197/86/96-आयकर नि.]

एच. के. चौधरी, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 17th July, 1996

(INCOME TAX)

S.O. 2719.—In exercise of the powers conferred by sub-clause (v) of Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shree Gokarn Parthagali Jeevatham Math, Mumbai" for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10155/F. No. 197/86/96-ITA-I]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 17 जुलाई, 1996

(आयकर)

का.आ. 2729—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री कावले मठ संस्थान, मुम्बई" को कर-निर्धारण वर्ष 1996-97 से 1998-99 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिणी इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिणी ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ

तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10156/का.सं. 197/87/96-आयकर नि-1]

एच. के. चौधरी, अवर सचिव

New Delhi, the 17th July, 1996

(INCOME TAX)

S.O. 2720.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shree Kavle Math Samsthan, Mumbai" for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10156/F. No. 197/87/96-ITA-I]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 31 जुलाई, 1996

(आयकर)

का.आ. 2721—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "राजा चेरीटी ट्रस्ट राजापालायम, तमिलनाडु" को कर निर्धारण वर्ष 1996-97 से 1998-99 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिणी इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने हेतु इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिणी ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जवर,

जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक ग्रंथालय से भिन्न, का निवेश नहीं करेगा, भयवशा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जबतक कि ऐसा कारोबार उक्त कर निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10164/फा.सं. 197/102/96-आ.क.नि-I]

एच. के. चौधरी, अवर सचिव

New Delhi, the 31st July, 1996.

(INCOME TAX)

S.O. 2721.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Raja Charity Trust, Rajapalayam, Tamil Nadu" for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10164/F. No. 197/102/96-ITA-I]

H. K. CHOUDHARY, Under Secy.

आदेश

नई दिल्ली, 11 सितम्बर 1996

का. आ. 2722 भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश फा. सं. 673/31/96-सी. शु.-8 तारीख 14-5-96 यह निदेश देते हुए जारी किया था कि श्री मोनोतोश साहा, 31/21 मुस्ताक अहमद/मारक्युज स्ट्रीट 3 मंजिल कलकत्ता-16 (ii) मैसर्स गाडसन्स (भारत) 49/1 एस. एन बनर्जी रोड कलकत्ता-14 को निरुद्ध कर

लिया जाए और केन्द्रीय कारागार दमदम कलकत्ता में अभिरक्षा में रखा जाए ताकि उसे भविष्य में सामान की तस्करी करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस महा निदेशक, कलकत्ता के समक्ष हाजिर हो।

[सं.फा. 673/31/96-सी.शु.-8]

जमना दास, अवर सचिव

ORDER

New Delhi, the 11th September, 1996

S.O. 2722.—Whereas the Joint Secretary to the Government of India specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/31/96-Cus. VIII dated 14-5-1996 under the said sub-section directing that Shri Monotosh Saha, 31/2, Mustaq Ahmed/Marquis Street, 3rd Floor, Calcutta-16 (II) M/s. Godsons (India) 49/1, S. N. Banerjee Road, Calcutta-14, be detained and kept in custody in the Central Prison Dum Dum, Calcutta with a view to preventing from smuggling of goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself as that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner/Director General of Police, Calcutta within 7 days of the publication of this order in the official Gazette.

[F. No. 673/31/96-Cus. VIII]

JAMNA DAS, Under Secy.

आदेश

नई दिल्ली, 11 सितम्बर, 1996

का.आ. 2723 भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश फा.सं. 673/32/96-सी.शु.-8 दिनांक 14-5-96 को यह निदेश जारी किया था कि श्री संतोष साहा, एम. एम. गोडसन्स (भारत) 49/1 एस.एन. बनर्जी मार्ग कलकत्ता-14 (ii) 398/5 अशोक नगर पी.ओ. अशोक नगर हावड़ा 24, पारगन्स (एन) प.बंगाल को निरुद्ध कर लिया जाए और केन्द्रीय कारागार दमदम कलकत्ता में अभिरक्षा में रखा जाए ताकि उसे भविष्य में सामान की तस्करी करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आधुनिक/डायरेक्टर जनरल पुलिस कलकत्ता के समक्ष हाजिर हों।

[फा.सं. 673/32/96-सी.शु.-8]

जमना दास, अवसर सचिव

ORDER

New Delhi, the 11th September, 1996

S.O. 2723.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/32/96-Cus. VIII dated 14-5-96 under the said sub-section directing that Shri Santosh Saha, M/s. Godsons (India), 49/1, S. No. Banerjee Road, Calcutta-14 (II) 398/5, Ashok Nagar, P.O. Ashok Nagar, Habra, 24 Pargans (N), West Bengal be detained and kept in custody in the Central Prison, Dum Dum, Calcutta with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner/Director General of Police, Calcutta, within 7 days of the publication of this order in the official Gazette.

[F. No. 673/32/96-Cus. VIII]

JAMNA DAS, Under Secy.

आदेश

नई दिल्ली, 11 सितम्बर, 1996

का. आ. 2724.—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश फा. सं. 673/32/96-सी. शु.-8 तारीख 14-5-96 यह निदेश देते हुए जारी किया था कि श्री परितोष साहा, 49/1, एन. बनर्जी मार्ग, कलकत्ता-14 (ii) 398/5 अशोक नगर पो. आफिस अशोक नगर, हाबड़ा जिला 24 पारगन्स एन. पं. बंगाल (iii) तरूणापल्ली, अशोक नगर नं. 5 पी. एस. हाबड़ा, पो. आ. हरीपुर 24 पारगन्स (एन) प. बंगाल को निरुद्ध कर लिया जाए और केन्द्रीय कारागार कलकत्ता में अभिरक्षा में रखा जाए ताकि उसे भविष्य में सामान की तस्करी करने से रोका जा सके ;

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम, की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस महानिदेशक, कलकत्ता के समक्ष हाजिर हों।

[फा. सं. 673/33/96-सी. शु.-8]

जमना दास, अवसर सचिव

ORDER

New Delhi, the 11th September, 1996

S.O. 2724.—Whereas the Joint Secretary to the Government of India specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/33/96-Cus. VIII dated 14-5-96 under the said sub-section directing that Shri Paritosh Saha, 49/1, S. N. Banerjee Road, Calcutta-14 (II) 398/5, Ashok Nagar, P. O. Ashok Nagar, Habra Distl. 24 Pargans (N) West Bengal (III) Tarunpally, Ashok Nagar, No. 5, P.S. Havra, P.O. Haripur, 24 Pargans (N), West Bengal be detained and kept in custody in the Central Prison, Dum Dum, Calcutta with a view to preventing him from smuggling goods in future

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner/Director General of Police, Calcutta, within 7 days of the publication of this order in the official Gazette.

[F. No. 673/33/96-Cus. VIII]

JAMNA DAS, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 16 सितम्बर, 1996

का. आ. 2725 :—आयकर अधिनियम, 1961 की धारा 36 की उपधारा (1) के खंड (viii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा मैसर्स आई. सी. आई. सी. आई. लिमिटेड, 141, मेकर टावर, "एफ" कफे पैरेज, बम्बई-400005 को कर-निर्धारण वर्ष 1997-98 से 1999-2000 तक के लिए उक्त खंड के प्रयोजनार्थ एक कम्पनी के रूप में अनुमोदित करती है।

यह अनुमोदन इस शर्त पर दिया गया है कि वीथ-कालिक धित प्रदान करने वाले कारोबार से प्राप्त आय

के संबंध में ही कटौती उपलब्ध होगी बशर्ते की धारा 36 (1) (viii) की अन्य शर्तें पूरी कर ली गई हों।

[अधिसूचना सं० 101/फा.सं. 204/43/95-आयकर-नि. II]
मालती आर. श्रीधरन, अवर सचिव (आयकर-निष्पत्ति-II अनुभाग)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 16th September, 1996

S.O. 2725.—In exercise of the powers conferred by clause (viii) of sub-section (1) of Section 36 of Income Tax Act, 1961, the Central Government hereby approves M/s. SCICI Ltd., 141, Maker Tower, 'F' Cuffee Parade, Bombay-400 005 as a company for the purpose of said clause for assessment years 1997-98 to 1999-2000.

The approval is subject to the condition that the deduction would be available only in relation to the income from the business of providing long term finance, provided the other conditions of sec. 36(1)(viii) are fulfilled.

[Notification No. 10191/F. No. 204/43/95-I.T.A.-II]
MALATHI R. SRIDHARAN, Under Secy. (I.T.A.-II Section)

आदेश

नई दिल्ली, 16 सितम्बर, 1996

का. आ. 2726.—भारत सरकार के संबन्धित सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश का. सं. 623/23/96-सी. शु.-8 दिनांक 26-3-1996 को यह निर्देश जारी किया था कि श्री एम. ए. समद खान उर्फ सहमूद सपुत्र श्री एम. ए. आहमद खान मकान सं. 17-8-451/1, बाग-ई-जहान आरा, याकूथपुरा, हैदराबाद को निरस्त कर लिया जाए और केन्द्रीय कारागार, हैदराबाद में अश्रितता में रखा जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल कार्य करने से रोका जा सके;

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति कथारहो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के प्रासंगिक राजपत्र में प्रकाशन के 7 दिन के भीतर आयरेक्टर जनरल, पुलिस, हैदराबाद के समक्ष हाजिर हों।

[फा. सं. 673/23/96-सी. शु.-8]

प्रकाश चन्द्रा, अवर सचिव

ORDER

New Delhi, the 16th September, 1996

S.O. 2726.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/23/96-CUS. VIII dated 26-3-1996 under the said sub-section directing that Shri M. A. Samad Khan @ Mohmood S/o Shri M. A. Wahab Khan, II. No. 17-8-451/1, Bagh-e-Jahan Ara, Yakuth pura, Hyderabad be detained and kept in custody in the Central Prison, Hyderabad with a view to preventing him from acting in any manner prejudicial to augmentation of foreign exchange.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Director General of Police, Hyderabad within 7 days of the publication of this order in the official Gazette.

[F. No. 673/23/96-CUS. VIII]
PARKASH CHANDRA, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग अनुभाग)

नई दिल्ली, 30 अगस्त, 1996

का. आ. 2727 राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1980 के खंड 3 के उपखंड (1), खण्ड 5, खण्ड 6, खण्ड 7 और खण्ड 8 के उपखण्ड (1) के साथ परिचित बैंककारी कम्पनी उपखण्डों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा 3 के खण्ड (क) द्वारा अख्त अर्जितियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा श्री के. एस. बैस को 1 जून, 1995 में और 31 अगस्त, 1996 तक की अवधि के लिए पंजाब एण्ड सिंध बैंक के अध्यक्ष और प्रबंध निदेशक के रूप में पुनः नियुक्त करती है।

[फा. सं. 20/11/92-बी. ओ. I]

सुधीर भार्गव, निदेशक

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 30th August, 1996

S.O. 2727.—In exercise of the powers conferred by clause (a) of sub-section 3 of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, read with sub-clause (1) of clause 3, clause 5, clause 6, clause 7 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, after consultation with the Reserve Bank of India, hereby reappoints Shri K. S. Bains as Chairman and Managing Director, Punjab & Sind Bank for the period from 1st June, 1995 and upto 31st August, 1996.

[F. No. 20/11/92-B.O.I.]

SUDHIR BHARGAVA, Director

(वैकिंग प्रभाग)

नई दिल्ली, 12 सितम्बर, 1996

का. आ. 2728 भारतीय रिज़र्व बैंक अधिनियम, 1934 की धारा 8 की उपधारा (4) के साथ पठित उपधारा (1) के खण्ड (क) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा डा. वाई. वी. रेड्डी, आई ए एस (ए. पी. 64), वर्तमान सचिव (वैकिंग), वित्त मंत्रालय, आर्थिक कार्य विभाग (वैकिंग प्रभाग) को उनके कार्यभार ग्रहण करने की तारीख से 31 अगस्त, 2001 तक की अवधि के लिए भारतीय रिज़र्व बैंक का उप-गवर्नर के रूप में नियुक्त करती है।

[संख्या एफ. 7/13/96-बी. ओ. I.]

एम. दामोदरन, संयुक्त सचिव

New Delhi, the 12th September, 1996

S.O. 2728.—In pursuance of clause (a) of sub-section (1) read with sub-section (4) of section 8 of the Reserve Bank of India Act, 1934, the Central Government hereby appoints Dr. Y. V. Reddy, IAS (AP-64), presently Secretary (Banking), Ministry of Finance, Department of Economic Affairs, (Banking Division), as Deputy Governor of the Reserve Bank of India for the period from the date of his taking charge and upto 31st August, 2001.

[F. No. 7/13/96-B.O.I.]

M. DAMODARAN, Jt. Secy.

वाणिज्य मंत्रालय

विदेश व्यापार महानिदेशालय

आदेश

नई दिल्ली, 10 सितम्बर, 1996

का. आ. 2729 :—मैसर्स मेयर हेवन स्टड, हरियाणा की एक स्टालिम्स के आयात के लिए, उसके साथ संलग्न शर्त सहित, 7,00,000/— रु. (केवल सात लाख रुपये) का आयात लाइसेंस सं. पी/एस/2323473 दिनांक 16-12-93 प्रदान किया गया था।

फर्म ने अब इस आधार पर ऊपर उल्लिखित लाइसेंस की विनिमय नियन्त्रण प्रयोजन प्रति की अनुलिपि जारी

करने का अनुरोध किया है कि लाइसेंस की मूल विनिमय नियन्त्रण प्रति खो गई है अथवा अस्थानस्थ हो गई है।

2. फर्म ने अपने दावे के समर्थन में दिनांक 28-6-96 को नोटरी पब्लिक, दिल्ली के समक्ष विधिवत् रूप से स्टाम्प पेपर पर हलफनामा दाखिल किया है। तदनुसार, मैं संतुष्ट हूँ कि फर्म से आयात लाइसेंस सं. पी/एस/2323473 दिनांक 16-12-93 की मूल विनिमय नियन्त्रण प्रति खो गई है अथवा अस्थानस्थ हो गई है। मैं, विदेश व्यापार महानिदेशालय द्वारा जारी यथासंशोधित सा. आ. 1060 अ. दिनांक 31-12-93 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मेयर हेवन स्टड को जारी उक्त मूल प्रति सं. पी/एस/2323473 दिनांक 16-12-93 को एतद्वारा निरस्त करता हूँ।

3. उक्त लाइसेंस की विनिमय नियन्त्रण प्रति की अनुलिपि पार्टी को अलग से जारी की जा रही है।

[फा. सं. :—एसपीएल/एनएस/877/एसआई/एएम/94
एस एल एस / 202]

एच. एल. अस्वाल, उप महानिदेशक विदेश व्यापार

MINISTRY OF COMMERCE

Directorate General of Foreign Trade

ORDER

New Delhi, the 10th September, 1996

S.O. 2729.—M/s. Mare Haven Stud, Haryana, were granted an import licence No. P/S/2323473 dt. 16-12-93 for Rs. 7,00,000/- (Rupees Seven lakhs only.) for import of One Stallion as per condition attached thereto.

The firm has applied for issue of Duplicate copy of Exchange Control purposes copy of the above mentioned his licence on the ground that the original Exchange Control copy of the licence has been lost or misplaced.

2. In support of their contention, the licensee has filed an affidavit on stamped duly sworn in before a Notary Public, Delhi dt. 28-6-96. I am accordingly satisfied that the original Exchange Control copy of import licence No. P/S/2323473 dt. 16-12-93 has been lost or misplaced by the firm. In exercise of the powers conferred S.O. 1060E dt. 31-12-93 issued by the DGFT, New Delhi amended the said original copy No. P/S/2323473 dt. 16-12-93 issued to M/s. Mare Haven Stud is hereby cancelled.

3. A duplicate Exchange Control copy of the said licence is being issued to the party separately.

[F. No. SPL/NS./877/SSI/AM-94/SLS/202]

H. L. ASWAL, Dy. Director General of Foreign Trade

कोयला मंत्रालय

शुद्धि पत्र

नई दिल्ली, 3 सितम्बर, 1996

का.आ. 2730 भारत के राजपत्र भाग II, खण्ड 3, उपखण्ड (ii) तारीख 27 अप्रैल, 96 में पृष्ठ संख्या 1501 में 1502 पर प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. का.आ. 1276 तारीख 11 अप्रैल, 1996 में :

पृष्ठ क्र. 1501 पर अनुसूची में :—

- (1) "साओनेर परियोजना" के स्थान पर "सावनेर परियोजना" पढ़िए ।
- (2) क्रम संख्या 1 में स्तम्भ ग्राम का नाम के नीचे "दुधावदी" के स्थान पर "दुधवर्डी" पढ़िए । और तहसील स्तम्भ के नीचे "कालेश्वर" के स्थान पर "कलमेश्वर" पढ़िए । और जहां कहीं यह शब्द प्रयुक्त हुआ हो उसी स्थान पर "दुधवर्डी" और "कलमेश्वर" पढ़िए ।
- (3) क्रम संख्या 2 में स्तम्भ ग्राम का नाम के नीचे "साओंगी" के स्थान पर "सावंगी" पढ़िए । और जहां कहीं यह शब्द प्रयुक्त हुआ हो उसी स्थान पर "सावंगी" पढ़िए ।
- (4) क्रम संख्या 3 में स्तम्भ ग्राम का नाम के नीचे "हैती" के स्थान पर "हैटी" पढ़िए और जहां कहीं भी यह शब्द प्रयुक्त हुआ हो उसी स्थान पर "हैटी" पढ़िए ।
- (5) क्रम संख्या 4 में स्तम्भ ग्राम का नाम के नीचे "साओनेर" के स्थान पर "सावनेर" पढ़िए । और जहां

कहीं भी यह शब्द प्रयुक्त हुआ हो उसी स्थान पर "सावनेर" पढ़िए ।

पृष्ठ संख्या 1502 पर सीमा वर्णन में :—

- (1) रेखा क-ख में "हैती" तथा "कोरेघेट" के स्थान पर "हैटी तथा कोरेघाटे" पढ़िए । और "साथ-2" के स्थान पर "साथ-माथ" पढ़िए और "हैती तथा पादी" के स्थान पर "हैटी तथा पाडी" पढ़िए ।
- (2) रेखा ख-ग में "हैती और साओनेर" के स्थान पर "हैटी और सावनेर" पढ़िए ।
- (3) रेखा ग-घ में "साओनेर और दुधावर्डी" के स्थान पर "सावनेर और दुधावर्डी" पढ़िए । और "साओगी और सितौली" के स्थान पर "सावंगी और सेनौली" पढ़िए ।
- (4) रेखा घ-क में "साओगी और कम्पनी" के स्थान पर "सावंगी और कामठी" पढ़िए ।

[फा. सं. 43015/5/96 एल.एल. डब्ल्यू.]

श्रीमती प्रेमलता मैनी, अवर सचिव

MINISTRY OF COAL
CORRIGENDUM

New Delhi, the 3rd September, 1996

S.O. 2730.—In the notification of the Government of India, in the Ministry of Coal number S.O. 1276 dated 11th April, 1996, published at pages 1501 to 1502 of the Gazette of India, Part II, Section 3, Sub-Section (ii), dated the 27th April, 1996 :—

at page 1502

- (1) In the Schedule, under the heading "Total Area" for "844.90 hectares" read "844.98 hectares".

[No. 43015/5/96-LSW]

MRS. P. L. SAINI, Under Secy.

नई दिल्ली, 3 सितम्बर, 1996

का. आ. 2731 :—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाय अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है ;

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (4 1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त क्षेत्र में कोयले का पूर्वोक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सं. सी—1 (ई) III/एफआर/608/696, तारीख 17 जून, 1996 का निरीक्षण, वैस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोयला एस्टेट, सिविल लाइन्स, नागपुर—440001 (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 6, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, भारसाधक अधिकारी/विभागाध्यक्ष (राजस्व), वैस्टर्न कोलफील्ड्स लिमिटेड, कोयला एस्टेट, सिविल लाइन्स, नागपुर—440001 (महाराष्ट्र) को भेजेंगे।

अनुसूची

गोंडेगांव-घाट रोहना विस्तार ब्लॉक

नागपुर क्षेत्र

जिला-नागपुर (महाराष्ट्र)

(रेखांक सं. सी-1 (ई) III/एफ आर/608/696, तारीख 17 जून, 1996)

क्र. सं. ग्राम का नाम	पटवारी सर्फिल संख्या	तहसील	जिला	हेक्टेर में क्षेत्र	टिप्पणियां
1. घाट रोहना	13	पारसीओनी	नागपुर	200.00	भाग
2. जूनी कामठी	13	पारसीओनी	नागपुर	110.00	भाग
3. बिना	16	कामठी	नागपुर	115.00	भाग
कुल क्षेत्र			425.00 हेक्टेयर (लगभग)	या	
			1050.175 एकड़ (लगभग)		

सीमा वर्णन :

क-अ	—रेखा बिन्दु “क” से प्रारंभ होती है और ग्राम बिना से होकर जाती है, कानहन नदी को पार करती है और तब ग्राम घाट रोहना से होकर जाती है और बिन्दु “ख” पर मिलती है।
ख-ग	—रेखा घाट रोहना और गोंडेगांव ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और बिन्दु “ग” पर मिलती है।
ग-घ	—रेखा घाट रोहना और गोंडेगांव, घाट रोहना और जूनी कामठी ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है, तब घाट रोहना ग्राम से होकर जाती है और बिन्दु “घ” पर मिलती है।
घ-ङ	—रेखा घाट रोहना और जूनी कामठी ग्रामों से होकर जाती है और बिन्दु “ङ” पर मिलती है।
ङ-च	—रेखा जूनी कामठी ग्राम से होकर जाती है, कानहन नदी को पार करती है और बिन्दु “च” पर मिलती है।
च-क	—रेखा बिना ग्राम से होकर जाती है और प्रारंभिक बिन्दु “क” पर मिलती है।

[फा. सं. 43015/8/96-एल. डब्ल्यू.]
श्रीमती पी. एल. सैनी, प्रवर सचिव

New Delhi, the 3rd September, 1996

S.O. 2731.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule here to annexed ;

Now therefore in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. C-I(E)III/FR/608/696 dated the 17th June, 1996 of the area covered by this notification can be inspected in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) or in the office of the Collector, Nagpur (Maharashtra) or in the office of the Coal Controller, 1, Council House Street Calcutta.

All persons interested in the lands covered by this notification may deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Office-in-Charge/Head of the Department (Revenue), Western Coalfields Limited Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra) within ninety days from the date of publication of this notification.

SCHEDULE

GONDEGAON-GHATROHANA EXTENSION BLOCK

NAGPUR AREA

DISTRICT NAGPUR (MAHARASHTRA)

(Plan No. C-I(E)III/FR/608/696 dated the 17th June, 1996).

Serial number	Name of village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1.	Ghatrohana	13	Parseoni	Nagpur	200.00	PART
2.	Juni-Kamptee	13	Parseoni	Nagpur	110.00	PART
3.	Bina	16	Kamptee	Nagpur	115.00	PART

Total Area ;

425.00 hectares
(approximately)
or 1050.175 acres
(Approximately).

Boundary description

- A-B Line starts from point 'A' and passes through village Bina, crosses Kanhan River and then passes through village Ghatrohana and meets at points 'B'
- B-C Line passes along the common village boundary of villages Ghatrohana and Gondegaon and meets at point 'C'.
- C-D Line passes along the common village boundary of villages Ghatrohana and Gondegaon, Ghatrohana and Juni Kamptee, then passes through village Ghatrohana and meets at point 'D'.
- D-E Line passes through village Ghatrohana and Juni Kamptee and meets at point 'E'
- E-F Line passes through village Juni-Kamptee, crosses Kanhan River and meets at point 'F'.
- F-A Line passes through village Bina and meets at starting point 'A'.

[F.No. 43015/8/96-LW]

Mrs. P.L. SAINI Under Secy.

नई दिल्ली, 9 सितम्बर, 1996

का.जा. 2732:—केन्द्रीय सरकार ने कोयला धारक क्षेत्र अर्जन और विकास) अधिनियम, 1957 (1957 का 20) [जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है] की धारा 4 की उपधारा (1) के अधीन भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 2 मार्च, 1996 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का. आ. सं. 575 तारीख 9 फरवरी, 1996 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिच्छेद की भूमि में जिसका माप 1068.70 हेक्टेयर (लगभग) या 2640.75 एकड़ (लगभग) है, कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी;

और केन्द्रीय सरकार को यह समाधान हो गया है कि उक्त भूमि के भाग में कोयला अभिप्राय है,

अतः जब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इसमें संलग्न अनुसूची में वर्णित 1068.70 हेक्टेयर (लगभग) या 2640.75 एकड़ (लगभग) माप की भूमि में खनिजों के खनन, खदान, बोर करने, निष्कासन के लिए न उनको खुदाई करने और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और ले जाने के अधिकारों का अर्जन करने के अपने आशय की सूचना देती है।

टिप्पणी 1 :—इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं. एस. ई. सी. एल./बी. एस. पी./जी. एस. (प्लान)/भूमि/168 तारीख 3 जून, 1996 का निरीक्षण कन्वक्टर, सरगुजा (मध्य प्रदेश) के कार्यालय में या कोयला निरीक्षक, 1, काउंसिल हाउस स्ट्रीट कलकत्ता के कार्यालय में या राज्य ईस्टर्न कोरुप्रीडस लि. (राजस्व विभाग) सीपल रोड विहासपुर, 495006 (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

टिप्पणी 2 :—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है।

8 अर्जन के प्रति आशेष—जिसमें निम्नलिखित उपबंध हैं।

(1) कोई व्यक्ति जो किसी भूमि में जिसकी वास्तव धारा 7 के अधीन अधिसूचना निकाली गई है, हितवद्ध है, अधिसूचना के निकाले जाने से तीस दिन के अंतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में याचिका कर सकेगा।

स्पष्टीकरण—इस धारा के अन्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खान खोदना करनी चाहता है और ऐसी संक्रियाएँ केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी प्राधिकारों की स्वयं चुने जाने का या विधि व्यवसायी द्वारा चुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी श्रुतिपूर्वक, यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है वह या तो धारा 7 की धारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के सम्बन्ध में एक रिपोर्ट या ऐसी भूमि की विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के सम्बन्ध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही अभिलेख सहित विभिन्न रिपोर्टें केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितवद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होता यदि भूमि या किता ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।

टिप्पणी 3 :—केन्द्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता को भारत सरकार के कोयला मंत्रालय का अधिसूचना सं. का. मा. 955 तारीख 4-4-1987 द्वारा उक्त अधिनियम की धारा 8 के अधीन सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची

सोनहट ब्लॉक "घ"

सोनहट कोलफील्ड्स

बैकुंठ पुर क्षेत्र

जिला—सरगुजा (मध्य प्रदेश)

(रेखांक सं. एस.ई.सी.एल./बी.एस.पी./जी.एम. (प्लान) भूमि/168 तारीख 3 जून, 1996)

खनन अधिकार

राजस्व भूमि

क्र.सं.	ग्राम का नाम	पटवारी हल्का सं.	तहसील	जिला	क्षेत्र हेक्टेयर में	टिप्पणियाँ
1.	कदगोडी	8	बैकुंठपुर	सरगुजा	306.62	भाग
2.	केराशरिया	8	बैकुंठपुर	सरगुजा	166.35	संपूर्ण
3.	पुसला	8	बैकुंठपुर	सरगुजा	077.22	भाग
4.	कुसमही	8	बैकुंठपुर	सरगुजा	224.26	भाग
5.	बुधानिया खुर्द	8	बैकुंठपुर	सरगुजा	188.25	भाग
कुल					963.70	

वन भूमि

क्र.सं.	वन का नाम	कम्पार्टमेंट सं.	रेज	प्रभाग	क्षेत्र हेक्टेयर में	टिप्पणियाँ
1.	डामुज (संरक्षित वन)	पी-377	बैकुंठपुर	कोरिमा	105.00	भाग
योग					105.00	हेक्टेयर (लगभग)

कुल योग 1068.70 हेक्टेयर (लगभग)

या

2640.75 एकड़ (लगभग)

1. ग्राम कटगोड़ी (भाग) में अर्जित किए जाने वाले प्लॉट सं.

1 से 279, 280 (भाग), 281 (भाग), 282 से 299, 300 (भाग), 308 (भाग), 309 (भाग), 315 (भाग), 316, 317 (भाग), 318 (भाग), 319 (भाग), 320 (भाग), 321 (भाग), 323 (भाग), 326 (भाग), 327 से 354, 355 (भाग), 356, 357 (भाग), 358 (भाग), 359 (भाग), 363 (भाग), 364 (भाग), 366 (भाग), 607 (भाग) 610 (भाग), 613 (भाग), 614 से 786, 787 (भाग), 788 (भाग), 791 (भाग), 792 (भाग), 793 (भाग), 794 (भाग), 795 (भाग), 796 से 854, 855 (भाग), 856 (भाग), 857 (भाग), 858 (भाग), 859 (भाग), 860 (भाग), 861 (भाग), 899 (भाग), 1029 (भाग), 1033 (भाग), 1034 से 1054, 1056 (भाग), 1057 (भाग), 1058 से 1068, 1069 (भाग), 1070 (भाग), 1071 (भाग), 1129 (भाग), 1148 (भाग), 1149 (भाग), 1150 (भाग), 1151 (भाग), 1152, 1153 (भाग), 1154 से 1162, 1163 (भाग), 1164 से 1168, 1169 (भाग), 1170 1171 (भाग), 1172 से 1197, 1198 (भाग), 1199 से 1208, 1209 (भाग), 1222 (भाग), 1223 (भाग), 1224 (भाग), 1227 (भाग), 1230 (भाग), 1231 से 1240, 1241 (भाग), 1242, 1243 (भाग), 1303 (भाग), 1312 (भाग), 1313 (भाग), 1314, 1315 (भाग), 12/1573, 112/1574, 823/1577, 725/1580, 800/1581, 1169 1585, 204/1591, 184, 1598

2. ग्राम केराजरिया (संपूर्ण) में अर्जित किए जाने वाले प्लॉट सं. 1 से 231, 166/232

3. ग्राम पुसला (भाग) में अर्जित किए जाने वाले प्लॉट सं.

634 (भाग), 653 से 657, 658 (भाग), 659 (भाग), 660, 661 (भाग), 667 (भाग), 668 (भाग), 670 (भाग), 671, 672/1 (भाग), 672/2 (भाग), 674 (भाग), 678 (भाग), 681 (भाग), 682 (भाग), 712 (भाग) 713 (भाग), 714 (भाग), 715 से 734, 735 (भाग), 736 (भाग), 737 से 860

ग्राम कुसमहां (भाग) में अर्जित किए जाने वाले प्लॉट सं. :

32 (भाग), 36 (भाग), 76 (भाग), 89 (भाग), 90, 91, 92 (भाग), 93 (भाग), 94 से 99, 100 (भाग), 101 (भाग), 110 (भाग), 111, 113 (भाग), 113, 114 (भाग), 116 (भाग), 117, 118 (भाग), 119 (भाग) 121 (भाग), 122 (भाग), 123 (भाग), 124, 125, 126 (भाग), 127 (भाग), 128 (भाग), 129 से 357, 288, 358, 284/359, 174/360, 202/361

5. ग्राम दुधानियां खुर्द (भाग) में अर्जित किए जाने वाले प्लॉट सं. —

78 (भाग), 79, 80 से 83, 84 (भाग), 85 से 166, 167 (भाग), 168 (भाग), 183 (भाग), 190 (भाग), 191 (भाग), 192, 193 (भाग), 194 से 351

6. दामुज संरक्षित वन (भाग) में अर्जित किए जाने वाले प्लॉट सं.

पी—377 (भाग)

सीमा वर्णन :

- क—ख: रेखा सरसो—कटगोड़ी आरक्षित वन और कटगोड़ी ग्राम की सम्मिलित सीमा पर “क” बिन्दु से आरम्भ होती है तथा कटगोड़ी, केराजरिया, दुधानियां खुर्द ग्रामों की दक्षिणी सीमा के साथ-साथ जाती है तथा “ख” बिन्दु पर मिलती है।
- ख—ग: रेखा दुधानियां खुर्द—लाब्जी ग्रामों की सम्मिलित सीमाओं के साथ-साथ जाती है फिर ग्राम दुधानियां खुर्द से होकर प्लॉट सं. 84, 78 से होकर जाती है और “ग” बिन्दु पर मिलती है।
- ग—घ: रेखा ग्राम दुधानियां खुर्द में प्लॉट सं. 79 की पश्चिमी सीमा के साथ-साथ जाती है और “घ” बिन्दु पर मिलती है।
- घ—ङ: रेखा दामुज संरक्षित वन कम्पार्टमेंट सं. पी—377 से होकर जाती है तब ग्राम दुधानियां खुर्द से होकर प्लॉट सं. 183, 190, 191, 193 से होकर पुनः दामुज संरक्षित वन कम्पार्टमेंट सं. पी—377 से होकर जाती है और ग्राम पुसला में प्रवेश करती तथा प्लॉट सं. 736, 735, 714, 712, 713, 682 से होकर जाती है और “ङ” बिन्दु पर मिलती है।
- ङ—च: रेखा ग्राम पुसला से होकर प्लॉट सं. 634, 681, 674, 672/1, 672/2, 670, 668, 667, 661 659, 658 से होकर जाती है और पुसला और कुसमहां ग्रामों की सम्मिलित सीमाओं पर “च” बिन्दु पर मिलती है।
- च—छ: रेखा ग्राम कुसमहां से होकर प्लॉट सं. 89, 92, 93, 101, 100, 110, 112, 76, 114, 116, 119, 118, 121, 123, 122, 36, 126, 127, 128, 32 से होकर जाती है और “छ” पर मिलती है।
- च—ज: रेखा कुसमहां कटगोड़ी ग्रामों की उत्तरी सीमा के साथ-साथ जाती है और “ज” बिन्दु पर मिलती है।

- छ—अ : रेखा प्लॉट सं. 861, 860, 859, 859, 858, 857, 856, 855, 859, 795, 794, 793, 792, 791, 788, 787, 1198, 1029, 1533, 1069, 1070, 1071, 1057, 1056, 1171, 1153, 1151, 1150, 1149, 1148, 1163, 1129, 1315 से होकर ग्राम कटगोड़ी में जाती है और "अ" बिन्दु पर मिलती है।
- ज—क : रेखा प्लॉट सं. 1315, 1313, 1312, 1169, 1303, 1227, 1241, 1230, 1224, 1223, 1222, 1198, 1209, 613, 610, 607, 359, 358, 357, 355, 357, 363, 364, 326, 320, 323, 321, 319, 318, 317, 315, 309, 308, 300, 281, 280, 366 से होकर ग्राम कटगोड़ी में जाती है और आरम्भिक बिन्दु "क" पर मिलती है।

[सं. 43015/13/95-एल.एस. डब्ल्यू.]

श्रीमती पी. एस. सनी, अवर सचिव

New Delhi, the 9th September, 1996

S.O. 2732.—Whereas by the notification of the Government of India in the Ministry of Coal, number S.O. 575 dated the 9th February, 1996 issued under sub-section 4 of Coal Bearing Areas (Acquisition & Development) Act 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part-II, section Sub section (ii), dated 2nd March, 1996 the Central Government gave notices of its intention to prospect for coal in 1068.70 hectares (approximately or 2640.75 acres (approximately of the lands in locality specified in the Schedule annexed to that notification;

And whereas the Central Government is satisfied that coal is obtainable in a part of the said lands; Now, therefore in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government, hereby gives notices of its intention to acquire the rights to mine quarry, bore, dig and search for, win work and carry away minerals in the lands measuring 1068.70 hectares (approximately) or 2640.75 acres (approximately, described in the Schedule appended hereto.

Note 1: The plans bearing number SECL/BSP/GM(PLG)/LAND/168 dated 3rd June, 1996 of the area covered by this notification may be inspected in the Office of the Collector, Surguja, (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta, or in the Office of the South Eastern Coalfields Limited (Revenue Department) Seepat Road, Bilaspur-495 006 (Madhya Pradesh).

Note 2: Attention is hereby invited to the provisions of section 8 of the said Act, which provides as follows
Objection to acquisition :—

8(1) Any person interested in any land interested of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such lands.

Explanation : It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall after hearing all such objections and after making such further enquiry, if any as he thinks necessary, either make a report of the land which has been notified under sub-section (1) of section 7 or of right in or over such land, or make different reports in respect of different parcels of such land or of right in or over such land, to the Central Government containing his recommendation on the objections, together with the record of the proceedings held by him, for the decision of that Government.

(3) For the purpose of this section, a person shall be deemed to be interested in who would be entitled to claim an interest in compensation if the land or any right in or over such land were acquired under this Act".

Note 3 : The Coal Controller, 1, Council House Street, Calcutta has been appointed by the Central Government as the competent authority under section 3 of the Act, vide notification of the Government of India in the Ministry of Coal No. S.O. 905 dated the 4th April, 1987.

SCHEDULE

SONHAT BLOCK—'D'

SONHAT COALFIELD

BAIKUNTHPUR AREA

DISTRICT—SURGUJA (MADHYA PRADESH)

(Plan No.:SECL/BSP/GM(PLG)/LAND/168 dated 3rd June, 1996)

MINING RIGHTS
REVENUE LAND

Serial Number	Village	Patwari Halka number	Tahsil	District	Area in hectares	Remarks
1.	Katghori	8	Baikunthpur	Surguja	306.62	Part
2.	Kerajharia	8	Baikunthpur	Surguja	166.85	Full
3.	Pusla	8	Baikunthpur	Surguja	077.72	Part
4.	Kusmha	8	Baikunthpur	Surguja	224.26	Part
5.	Dudhania Khurd	8	Baikunthpur	Surguja	188.25	Part
TOTAL					963.70	

FOREST LAND

Serial number	Name of Forest	Compartment number	Range	Division	Area in hectares	Remarks
1.	Damuj (Protected Forest)	P-377	Baikunthpur	Korea	105.00	Part
TOTAL					105.00 hectares	

GRAND TOTAL: 1068.70 Hectares (approximately)

OR

2640.05 Acres (Approximately)

1. Plot number to be acquired in village Katghori (Part).

1 to 279, 280 (Part), 281 (Part), 282 to 299, 300 (Part), 308 (Part), 309 (Part), 315 (Part), 316, 317 (Part), 318 (Part), 319 (Part), 320 (Part), 321 (Part), 323 (Part), 326 (Part), 327 to 354, 355 (Part), 356, 357 (Part), 358 (Part), 359 (Part), 363 (Part), 364-366 (Part), 607 (Part), 610 (Part), 613 (Part), 614 to 786, 787 (part), 788 (Part), 791 (Part), 792 (Part), 796 (Part), 794 (Part), 795 (Part), 796 to 854, 855 (Part), 856 (Part), 857 (Part), 858 (Part), 859 (Part), 860 (Part), 861 (Part), 899 (Part), 1029 (Part), 1033 (Part), 1034 to 1054, 1056 (Part), 1057 (Part), 1058 to 1068, 1069 (Part), 1070 (Part), 1071 (Part), 1129 (Part), 1148 (Part), 1149 (Part), 1150 (Part), 1151 (Part), 1152, 1153 (Part), 1154 to 1162, 1163 (Part), 1164 to 1168, 1169 (Part), 1170, 1171 (Part), 1172 to 1197, 1198 (Part), 1199 to 1208, 1209 (Part), 1222 (Part), 1223 (Part), 1224 (Part), 1227 (Part), 1230 (Part), 1231 to 1240, 1241 (Part), 1242, 1243 (Part), 1303 (Part), 1312 (Part), 1313 (Part), 1314, 1315 (Part), 12/1573, 112/1574, 823/1577, 725/1580, 800/1581, 1169/1585, 204/1591, 184/1598.

2. Plot numbers to be acquired in Village Kerajharia (full)

1 to 231, 166/232.

3. Plot numbers to be acquired in Village Pusla (Part).

634 (Part), 653 to 657, 658 (Part), 659 (Part), 660, 661 (Part), 667 (Part), 668 (Part), 670 (Part), 671, 672/1 (Part), 672/2 (Part), 674 (Part), 678 (Part), 681 (Part), 682 (Part), 712 (Part), 713 (Part), 714 (Part), 715 to 734, 735 (Part), 736 (Part), 737 to 860.

4. Plot numbers to be acquired in Village Kusmha (Part).

32 (Part), 36 (Part), 76 (Part), 89 (Part), 90, 91, 92 (Part), 93 (Part), 94 to 99, 100 (Part), 101 (Part), 110 (Part), 111, 112 (Part), 113, 114 (Part), 116 (Part), 117, 118 (Part), 119 (Part), 121 (Part), 122 (Part), 123 (Part), 124, 125, 126 (Part), 127 (Part), 128 (Part), 129 to 357, 288/358, 284/359, 174/360, 202/361.

5. Plot numbers to be acquired in Village Dudhania Khurd (Part)

78 (Part), 79, 80 to 83, 84 (Part), 85 to 166, 167 (Part), 168 (Part), 183 (Part), 190 (Part), 191 (Part), 192, 193 (Part), 194 to 351.

6. Compartment number to be acquired in Damuj protected Forest (Part).

BOUNDARY DESCRIPTION

- A—B Line starts from point 'A' on the common boundary of Sardi-Katghori Reserved Forest and Katghori Village then passes along the Southern Boundary of villages Katghori, Kera-jharia, Dudhania Khurd and meets at point 'B'.
- B—C Line passes along the common boundaries of villages Dudhania Khurd-Labji, then through village Dudhania Khurd through plot numbers 84, 78 and meets at point 'C'.
- C—C1—D Line passes in village Dudhania Khurd along the Western boundary of plot number 79 and meets at point 'D'.
- D—E Line passes through Damuj protected Forest Compartment number P-377 then through village Dudhania Khurd through plot numbers 168, 167, 183, then Damuj protected Forest, through plot numbers 183, 190, 191, 193 again through Damuj protected Forest Compartment number P-377 and enter in village Pusla and passes through plot numbers 736, 735, 714, 712, 713, 712, 682 and meets at point 'E'.
- E—E1 Line passes through village Pusla through plot numbers 634, 681, 678, 674, 672/1, 672/2, 670, 668, 667, 661, 659, 658, and meets on the common boundaries of the villages Pusla and Kusmha at point 'E1'.
- E1—F Line passes through village Kusmha through plot numbers, 89, 92, 93, 101, 100, 110, 112, 76, 114, 116, 119, 118, 121, 123, 122, 36, 126, 127, 128, 32 and meets at point 'F'.
- F—G Line passes along the Northern Boundary of village Kusmha, Katghori and meets at point 'G'.
- G—H Line passes in village Katghori through plot numbers 861, 860, 859, 858, 857, 856, 855, 899, 795, 794, 793, 792, 791, 788, 787, 1198, 1029, 1033, 1069, 1070, 1071, 1057, 1056, 1171, 1153, 1151, 1150, 1149, 1148, 1163, 1129, 1315 and meet at point 'H'.
- H—A Line passes in village Katghori through plot numbers, 1315, 1313, 1312, 1169, 1303, 1243, 1227, 1241, 1230, 1224, 1223, 1222, 1198, 1209, 613, 610, 607, 359, 358, 357, 355, 357, 363, 364, 326, 320, 323, 321, 319, 318, 317, 315, 309, 308, 300, 281, 280, 366 and meets at the starting point 'A'.

[No. 43015/13/95-LSW]

Mrs. P.L. SAINI, Under Secy.

नई दिल्ली, 10 सितम्बर, 1996

का.आ. 2733. —केंद्रीय सरकार को यह प्रतीत होता है कि इसमें उपाखण्ड अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

अतः अब, कोयला प्रारंभ क्षेत्र पूर्व और (विशेष) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले की पूर्वेक्षण करने के अगम आणविक को सुचना देता है ;

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सं. सी-1(ई) 111/जे.जे.जे.आर./595-1095, तारीख 21 अक्टूबर, 1995 का निरोक्षण वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग) कोनएस्टेट, सिविल लाइन्स, नागपुर-440051 (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, कन्नटूर, चन्नपुर (महाराष्ट्र) 6, काउंसिल हाऊस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है ।

इस अधिसूचना के अधीन आने वाले भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा में निर्दिष्ट मर्मांकशे, चार्ट और अन्य दस्तावेज, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, भारसाधक अधिकारी/विभागाध्यक्ष (राजस्व), वेस्टर्न कोलफील्ड्स लिमिटेड कोनएस्टेट, सिविल लाइंस, नागपुर-440001 (महाराष्ट्र) को भेजेंगे।

अनुसूची

पौनी विद्युत परियोजना

बल्लारपुर क्षेत्र

जिला-चन्द्रपुर (महाराष्ट्र)

रेखांक सं. सी-1 (ई) 111/जे.जे.जे.आर./595-1095, तारीख 21 अक्टूबर 1995

क्रम सं.	ग्राम का नाम	पटवारी सफिल सं.	तहसील	जिला	क्षेत्र हेक्टेयर में	टिप्पणियां
1.	साकरी	2	राजुरा	चन्द्रपुर	120.00	भाग
2.	पौनी	2	राजुरा	चन्द्रपुर	335.00	भाग
3.	चिचौली (खुर्द)	3	राजुरा	चन्द्रपुर	12.00	भाग
कुल क्षेत्र					467.00 हेक्टेयर (लगभग)	
या					1154.00 एकड़ (लगभग)	

सीमावर्णन :

- क-ख : रेखा "क" बिन्दु से आरंभ होती है और पौनी नाला पार करते हुए चिचौली (खुर्द) ग्राम से होकर जाती है फिर साकरी ग्राम से होकर आगे बढ़ती है और बिन्दु "ख" पर मिलती है।
- ख-ग : रेखा साकरी नाले की पूर्वी सीमा के साथ-साथ साकरी ग्राम से होकर जाती है, फिर पौनी और साकरी ग्रामों की सम्मिलित सीमा के साथ-साथ आगे बढ़ती है और बिन्दु "ग" पर मिलती है।
- ग-घ : रेखा पौनी और चाली ग्रामों की सम्मिलित सीमा के साथ-साथ जाती है और बिन्दु "घ" पर मिलती है।
- घ-ङ : रेखा पौनी और बाबापुर ग्रामों की सम्मिलित सीमा के साथ-साथ जाती है और बिन्दु "ङ" पर मिलती है।
- ङ-क : रेखा पौनी नाला और सड़क पार करके पौनी ग्राम से होकर जाती है फिर चिचौली (खुर्द) ग्राम से होकर आगे बढ़ती है और आरंभिक बिन्दु "क" पर मिलती है।

[फा.सं. 43015/24/95 एल. एस. डब्ल्यू.]
श्रीमती प्रेमलता सैनी, अवसर सचिव

New Delhi, the 10th September, 1996

S.O. 2733.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed:

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. C-I(E) III/JJR/595-1095 dated the 21st October, 1995 of the area covered by this notification can be inspected in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) or in the office of the Collector, Chandrapur (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue), Western Coalfield Limited, Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) within ninety days from the date of publication of this notification.

SCHEDULE
PAONI OPENCAST PROJECT
BALLARPUR AREA
DISTRICT CHANDRAPUR (MAHARASHTRA)

Plan. No. C-1 (E) III/JJR/595-1095 dated the 21st October, 1995.

Serial Number	Name of village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1.	Sakri	2	Rajura	Chandrapur	120.00	Part
2.	Paoni	2	Rajura	Chandrapur	335.00	Part
3.	Chincholi (Khurd)	3	Rajura	Chandrapur	12.00	Part

Total area : 467.00 hectares
 (approximately
 or 1154.00 acres
 (approximately))

Boundary description :

- A—B Line starts from point 'A' and passes through village Chincholi (Khurd) by crossing Paoni Nala, then proceeds through village Sakri and meets at points 'B'.
- B—C Line passes through village along the eastern boundary of Sakri Nala, crosses Nala, then proceed along the common boundary of village Paoni and Sakri and meets at point 'C'.
- C—D Line passes along the common boundary of village paoni and Charli and meets at point 'D'.
- D—E Line passes along the common boundary of village Paoni and Babapur and meets at point 'E'.
- E—A Line passes through village paoni by crossing Paoni Nala and road, then proceeds through village Chinchli (Khurd) and meets at starting point 'A'.

[No. 43015/24/95-LSW]
 Mrs. P.L. SAINI, Under Secy.

नई दिल्ली, 11 सितम्बर, 1996

का.आ. 2734.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) की धारा 7 उपधारा (1) के अधीन जारी और भारत के राजपत्र दिनांक 13 जनवरी 1996 के भाग II, खण्ड 3, उपखण्ड (ii) पृष्ठ संख्यांक 99 से 103 पर प्रकाशित भारत सरकार कोयला मंत्रालय की अधिसूचना का.आ. 82 दिनांक 7 जून, 1995 द्वारा इस अधिसूचना से संलग्न अनुसूचि में वर्णित भूमि का अधिग्रहण करने के अपने आशय की सूचना दी थी :-

और केन्द्रीय सरकार की जानकारी में यह बात लाई गई कि राजपत्र में प्रकाशित उपरोक्त अधिसूचना में सुव्रण की कुछ गलतियाँ हैं।

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों और इस निमित्त सक्षम बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए अधिसूचना से संलग्न अनुसूचि में निम्नलिखित संशोधन करती है :-

पृष्ठ संख्यांक 99 में :-

(1) अधिसूचना परिच्छेद 3 में "3.22.76 हेक्टेयर" के स्थान पर "322.76 हेक्टेयर" पढ़िए।

पृष्ठ संख्यांक 100 में :-

(2) ग्राम भुगोली में अर्जित किए जाने वाले प्लॉट संख्या में :-

"105/1-105/1क-1005/2ख-105/1ग-155/2, 105/3" के स्थान पर 105/1- 155/1क-105/1ख-105/1ग-105/2-105/3" पढ़िए।

- (3) सीमा वर्णन में रेखा क-ख में प्लॉट संख्यांक "189" के स्थान पर "149" पढ़िए ।
 (4) रेखा ख-ग-घ-ङ में प्लॉट संख्यांक "26" के स्थान पर "126" पढ़िए ।
 (5) रेखा ज-झ में "बन्दु" के स्थान पर "बिन्दु" पढ़िए ।
 पृष्ठ संख्यांक 101 में :-
 (6) अनुसूची में "हेक्टेयर क्षेत्र" स्वम्भ के नीचे क्रम संख्या 1 में "76.04" के स्थान पर "67.4" पढ़िए ।
 (7) सीमा वर्णन में रेखा "खर" के स्थान पर "ख-ट" पढ़िए ।
 (8) रेखा ट-ड में प्लॉट संख्यांक "20/1-20/2-20/3" के स्थान पर "20/1-20/2-20/3" पढ़िए ।

ऐसी भूमि में जिसकी बाबत उपरोक्त संशोधन जारी किया गया है, हितवन्त कोई व्यक्ति इस अधिसूचना के जारी किए जाने के तीस दिन के भीतर उक्त भूमि संपूर्ण या किसी भाग के उक्त ऐसी भूमि में या उस पर किसी अधिकारी के अधिकार किए जाने के विरुद्ध उक्त अधिनियम की धारा 8 की उपधारा (1) के निबंधनों के अनुसार आक्षेप कर सकेगा ।

स्पष्टीकरण :-

केवल इस अधिसूचना के द्वारा संशोधित प्लॉट संख्यांकों की बाबत उक्त अधिनियम की धारा 8(1) के निबंधनों के अनुसार तीस दिन की उक्त अवधि इस अधिसूचना के राजनय में प्रकाशित किए जाने की तारीख से आरंभ होगी ।

[सं. 43015/19/93-एल।एस. डब्ल्यू.]

श्रीमती प्रेमलता सेनी, अवर सचिव

MINISTRY OF COAL

New Delhi, the 11th September, 1996

S.O. 2734.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 82, dated the 7th June, 1995, published in the Gazette of India, Part-II, Section-3, sub-section (ii), dated the 13th January, 1996 at pages 99 to 103, issued under sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire the lands described in the Schedule appended to that notification;

And whereas it has been brought to the notice of the Central Government that certain errors of printing nature have occurred in the publication of the said notification in the Official Gazette;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby amends the Schedule appended to the said notification as follows :

- (1) At page 102.—(1) in section 8 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 as reproduced,—
 - (i) in sub-section (2), in line 11, for "in respect of" read "in respect of",
 - (ii) in sub-section (3), in line 4, for "in on over" read "in or over".
- (2) In the Schedule Block-I to the said notification, in the Table, in column 6 under the heading "Area in hectares", for "334.57 acres" read "564.57 acres".
- (2) At page 103.—in the Schedule Block-II to the said notification, in the portion under the heading "Total of All Rights area", in line 2, for "—322.76 hectares" read "—322.76 hectares".

Any persons interested in any land in respect of which the above amendment has been issued, may, within thirty days of the issue of this notification, object to the acquisition of the whole or any part of the said land, or any right in or over such lands in terms of sub-section (1) of section 8 of the said Act.

The Coal Controller, 1, Council House Street, Calcutta has been declared by the Central Government as the competent authority vide notification number S.O. 2519, dated the

27th May, 1983, published in the Gazette of India, dated the 11th June, 1983 at pages 2446 to 2450.

Explanation : In respect of plot numbers amended through this notification only, the said period of thirty days in terms of sub-section (1) of section 8 of the said Act, starts running from the date of publication of this notification in the Gazette of India.

[No. 43015/19/93-LSW]

Mrs. P. L. SAINI, Under Secy.

CORRIGENDA

New Delhi, the 13th September, 1996

S.O. 2735.—In the notification of the Government of India in the Ministry of Coal No. S.O. 1215, dated the 27th March, 1996, published at pages 1438 to 1449 of the Gazette of India Part II, Section-3, Sub-section (ii), dated the 20th April, 1996,—

at page 1438,—after note 2, for the letter and figures "B(1)" read "8(1)",

in the Explanation, in line 1, after the word "person" and before the word "himself", insert "to say that he",

in sub-section (2),

(i) in line 2, the letters "bb" shall be omitted.

(ii) in line 4, for "whic" read "which",

in sub-section (3), for "and" read "land",

at page 1439,—in the Schedule, in plot numbers to be acquired in village Banabaspur (Part).—

in line 3, for "1972" read "1072",

in plot numbers to be acquired in village Gopalprasud-Khamar (Part).—

in line 7, for "73" read "173",

at page 1440.—in plot numbers to be acquired in village Kusumpal (Part).—

in line 1, the letter "I" shall be omitted,

in line 18 for "959/187" read "959/987",

in line 22, for "92/1041" read "921/1041",

in line 23, for "89/1054" read "892/1054" and for "89/1055" read "892/1055",

at page 1442,—in plot numbers to be acquired in village Gopalprasud (Part).—

in line 7, for "169" read "1869",
 in line 8, after plot no. 1887, insert "1888",
 in line 13, after plot no. 1989, insert "1990, 1991, 1992, 1993, 1994, 1998",
 in line 16, for "259" read "2059",
 in line 17, for "269" read "2069",
 in line 19,—
 (i) for "1214" read "2114",
 (ii) for "216" read "2116",
 (iii) for "1217" read "2117",
 in line 20,
 (i) for "2321" read "2121",
 (ii) for "216" read "2126",
 (iii) for "2136, 2136" read "2136",
 (iv) for "3217" read "2137",
 in line 36, for "1249" read "2419",
 in line 48, for "2635" (P). 2638" read "2635(P), 2638",
 in line 50, for "11693/2878" read "1693/2878",
 in line 52, for "180/2900" read "1801/2908",
 at page 1443,—
 in line 17, for "191/3139, 191/3139" read "191/3139",
 in line 23, for "2573/3226" read "2573/3227",
 in line 40, for "298/3426" read "294/3426",
 in plot numbers to be acquired in village Nuhamuhin (Part),—
 in line 5, omit "116", and for "26/712" read "26/172",
 in line 7, after "52/225" insert "52/226",
 at page 1444,—in plot numbers to be acquired in village Anantagadia (Full),—
 in line 25, for "254" read "254",
 in line 26, for "369/588" read "569/588",
 in line 27 for "296/60" read "296/607",
 in line 29, for "191, 627" read "191/627",
 in line 30, for "409/645" read "409/643",

in plots to be acquired in village Kalamachhun (Part),—
 for "Kalamachhun (Part)" read "Kalamachhuin (Part)",
 in line 17, for "722" read "792",
 in line 20, for "1507 (P)" read "1557 (P)",
 at page 1445,—
 in line 6, for "850/8125" read "805/8125",
 in line 10, for "80684/62" read "806/8462",
 in line 11, for "8068/463" read "806/8463",
 against serial no. 10 in line 1, for "pilot" read "plo:",
 in line 1, for "6, 6" read "6",
 in line 18, for "49/563" read "49/565",
 in plot numbers to be acquired in village Telipura (Part),—
 in line 13, for "432" read "342",
 at page 1446,—
 in line 18, for "268/753" read "268/953" and for "249/5959" read "249/959",
 in boundary description,—
 in the 2nd paragraph, under Block (A), for "C-E-F-G-H" read "C-D-E-F-G-H",
 at page 1447,—
 in line 2, in boundary description I-J-K-L-M, for "western" read "eastern",
 at page 1448,—
 in boundary dscription M-N-O-P-Q, in line 5, for "villag" read "village",
 in boundary description Q-R-S-T-A, in line 9, for "soundary" read "boundary",
 in line 17, for "eastern" read "eastern",
 in plot numbers to be acquired in village Malibandha (Part),—
 in line 5, for "3634" read "634",

[No. 43015/1/94-LSW]

Mrs. P. L. SAINI, Under Secy.

नई दिल्ली, 13 सितम्बर, 1996

का.आ. 2736—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अधिप्राप्त किए जाने की संभावना है ;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र रेखांक सं. एस.ई.सी.एल/वीएसपी/जी.एम.(पीएसजी)/भूमि/170, तारीख 9 जुलाई, 1996 का निरीक्षण साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, राजस्व अनुभाग, सीपत रोड, विलासपुर-495001 के कार्यालय में या कलक्टर, विलासपुर, (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1 काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी मन्शों, चार्टों और अन्य दस्तवेजों को, इस अधिसूचना के राजस्वपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर भारसाधक अधिकारी/विभागाध्यक्ष (राजस्व), साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड, विलासपुर-495001 (मध्य प्रदेश) को भेजेंगे।

अनुसूची

विजय ब्लाक पहला विस्तार

चिरीमिरी क्षेत्र

जिला—बिलासपुर (मध्य प्रदेश)

रेखांक सं. : एसईसी एल/वीएसपी/जीएम (पीएलजी)/भूमि/170 तारीख
9 जुलाई, 1996 (पूर्वक्षण के लिये अधिसूचित भूमि
वर्षाति हुए)।

ब्लाक—“क”

वन भूमि

क्रम सं.	कम्पार्टमेंट सं.	रेंज	डिवीजन	क्षेत्र हेक्टेयर में	टिप्पणियां
1.	191	पसान	बिलासपुर	74.463	भाग
2.	195	पसान	बिलासपुर	286.197	भाग
कुल : 360.660 हेक्टेयर					

राजस्व भूमि

क्रम सं.	ग्राम का नाम	पटवारी हल्का सं.	तहसील	जिला	क्षेत्र हेक्टेयर में	टिप्पणियां
1	2	3	4	5	6	7
1.	कन्बई बिजाडान्ड का मोहल्ला (असर्वेक्षित)	7	कटघोरा	बिलासपुर	76.405 <hr/> 76.405	संपूर्ण

ब्लाक “क” कुल : 437.065 हेक्टेयर

ब्लाक “ख”

राजस्व भूमि

क्रम सं.	ग्राम का नाम	पटवारी हल्का सं.	तहसील	जिला	क्षेत्र हेक्टेयर में	टिप्पणियां
1	2	3	4	5	6	7
1.	सुखबहरा बिजाडान्ड का मोहल्ला (असर्वेक्षित)	7	कटघोरा	बिलासपुर	38.203 <hr/> 38.203	भाग

ब्लाक “ख” कुल : 38.203 हेक्टेयर

कुल योग : ब्लाक “क” और ब्लाक “ख” — 475.268 हेक्टेयर (लगभग) या
1174.387 एकड़ (लगभग)

सीमा वर्णन (ब्लाक—“क”)

क-ख-ग :	रेखा, वन कम्पार्टमेंट सं. 190-91 की सम्मिलित सीमा पर बिन्दु "क" से आरंभ होती है, और वन कम्पार्टमेंट सं. 191, 195 से होकर जाती है तथा बिन्दु "ग" पर मिलती है।
ग-ग1-ग2-घ :	रेखा, वन कम्पार्टमेंट सं. 195 की दक्षिणी सीमा के साथ-साथ जाती है, फिर ग्राम कन्डई की दक्षिणी सीमा के साथ-साथ पुनः भागतः वन कम्पार्टमेंट सं. 195 की दक्षिणी सीमा के साथ-साथ और बिन्दु "घ" पर मिलती है।
घ-क	रेखा, वन कम्पार्टमेंट सं. 195, 191 की पश्चिमी सीमा के साथ-साथ जाती है और प्रारंभिक बिन्दु "क" पर मिलती है।
ब्लाक "ख"	
ड-घ :	रेखा, सुखबहरा और पुटीपखना ग्रामों की सम्मिलित सीमाओं पर बिन्दु "ड" से आरंभ होती है और ग्राम सुखबहरा की उत्तरी सीमा के साथ-साथ जाती है तथा बिन्दु "घ" पर मिलती है।
च-छ :	रेखा, ग्राम सुखबहरा की पूर्वी सीमा के साथ-साथ भागतः जाती है और बिन्दु "छ" पर मिलती है।
छ-छ1-ज-ड :	रेखा, ग्राम सुखबहरा की दक्षिणी सीमा के साथ-साथ जाती है और प्रारंभिक बिन्दु "ड" पर मिलती है।

[सं. 43015/9/96-एल. डब्ल्यू.]

श्रीमती पी.एल. सैनी, अवर सचिव

New Delhi, the 13th September, 1996

S.O. 2736—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed:

Now, therefore, in exercise of the power conferred by sub section (1) of section 4 of the Coal Bearing Area (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing number SECL/BSP/GM(PLG)/LAND/170 dated the 9th July, 1996, of the area covered by this notification can be inspected in the Office of the South Eastern Coalfields Limited, Revenue Section, Seepat Road, Bilaspur-495 001 or in the Office of the Collector Bilaspur (Madhya Pradesh) or in the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the land covered by this notification may deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue), South Coalfields Limited, Seepat Road, Bilaspur-495001 (Madhya Pradesh) within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

VIJAY BLOCK 1ST EXTENSION

SENDURGARH COALFIELDS

CHIRIMIRI AREA

DISTRICT-BILASPUR (MADHYA PRADESH)

PLAN NO. SECL/BSP/GM (PLG) LAND/170

Dated 9th July, 1996

(Showing land notified for prospecting)

BLOCK—'A'
FOREST LAND

Serial number	Compartment number	Range	Division	Area in hectares	Remarks
1.	191	Pasan	Bilaspur	74.463	Part
2.	195	Pasan	Bilaspur	286.197	Part

Total : 360.660 hectares

REVENUE LAND

Serial number	Name of village	Patwari halqa number	Tahsil	District	Area in hectares	Remarks
1.	Kandai Mohalla of Bijadand (unsurveyed)	7	Katghora	Bilaspur	76.405	Full
				Total :	76.405	

BLOCK 'A' TOTAL : 437.065 hectares

BLOCK 'B'
REVENUE LAND

1.	Sukhabahara Mohalla of Bijadand (unsurveyed)	7	Katghora	Bilaspur	38.203	Part
				Total	38.203	

BLOCK 'B'—TOTAL 28.203 hectares

GRAND TOTAL—BLOCK 'A' and BLOCK 'B'— 475.268 hectare (approximately)
OR
1174.387 acres (approximately)

Boundry description (Block—'A')

A-B-C	Line starts from point 'A' on the common boundry of forest compartment numbers 190-191 and passes through forest compartment numbers 191, 195 and meets at point 'C'.
C-C1-C2-D.	Line passes along the southern boundry of forest compantnent number 195, then along the southern boundry of village Kandai, again partly along the southern boundry of forest compartment number 195 and meets at point 'D'.
D-A	Line passes along the western boundry of forest compartment numbers 195, 191 and meets the starting at point 'A'.

BLOCK 'B'

E-F	Line starts from point 'E' on the common boundries of villages Sukhabahara and Putipakhana and passes along the northern boundry of village Sukhabahara nad meets at point 'F'.
F-G	Line passes partly along the eastern boundry of village Sukhabahara ans meets at point 'G'.
G-G1-H-E.	Line passes along the southern boundary of village Sukhabahara and meets the starting point at 'E'.

[No. 43015/9/96-LW]
Mrs. P.L. SAINI, Under Secy.

परमाणु ऊर्जा विभाग

मुम्बई, 4 सितम्बर, 1996

का.आ. 2737.—केन्द्रीय सनकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के परमाणु ऊर्जा विभाग की अधिसूचना सं. 898, तारीख 18 फरवरी, 1991 को उन बातों के सिवाय अधिकांत करने हुए, जिन्हें ऐसे अधिक्रमण से पहले किया गया है या करने से खोप किया गया है, नीचे की गई सारणी के स्तंभ 2 में उल्लिखित अधिकारियों को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी की पंक्ति के समस्तुष्य अधिकारी हैं, उक्त अधिनियम के प्रयोजनों के लिये संपदा अधिकारी नियुक्त करती है जो उक्त सारणी के स्तंभ 3 में चिनिदिष्ट सरकारी स्थानों की वास्तव अपनी अधिकारिता की स्थानीय सीमाओं के भीतर

उक्त अधिनियम द्वारा या उसके अधीन संपदा अधिकारियों को प्रदान शक्तियों का प्रयोग और उन पर अधिरोपित कर्तव्यों का पालन करेंगे, अर्थात् —

सारणी

क्रम सं.	अधिकारी का पदनाम	सरकारी स्थानों का प्रवर्ग और/अधिकारिता की स्थानीय सीमा
1	2	3
1.	मुख्य प्रशासन अधिकारी या ज्येष्ठ प्रबंधक (कार्मिक एवं औद्योगिक संपर्क) या प्रबंधक (कार्मिक) तारापुर परमाणु बिजलीघर, डाकघर-तारापुर, जिला ठाणे-401504 (महाराष्ट्र)	पालघर तथा वहाणु तालुका जिला ठाणे (महाराष्ट्र) में तारापुर परमाणु बिजलीघर में न्यूक्लियर पावर कारपोरेशन आफ इंडिया लि. के या उनके प्रबंध के अधीन (कार्यालय तथा आवासीय)
2.	मुख्य प्रशासन अधिकारी या ज्येष्ठ प्रबंधक (कार्मिक एवं औद्योगिक संपर्क) या प्रबंधक (कार्मिक), मद्रास परमाणु बिजली घर, कल्याणकम 603102, जिला चेंगलपट्ट, तमिलनाडु	कल्याणकम, चेंगलपट्ट, जिला तमिलनाडु में मद्रास परमाणु बिजलीघर में न्यूक्लियर पावर कारपोरेशन आफ इंडिया लि. के या उनके प्रबंध के अधीन स्थान (कार्यालय तथा आवासीय)
3.	उप महा प्रबंधक (कार्मिक और औद्योगिक संपर्क) या ज्येष्ठ प्रबंधक (कार्मिक एवं औद्योगिक संपर्क) या प्रबंधक (पी एंड आई आर), राजस्थान परमाणु बिजली घर डाकघर, अणुशक्ति बाया-कोटा राजस्थान-323303	रावतभाटा, खेरली (अणुशक्ति) विक्रम नगर, भाभा नगर तहसील बेगन, जिला-चित्तौड़गढ़, राजस्थान में न्यूक्लियर पावर कारपोरेशन आफ इंडिया लि. के या उनके प्रबंध के अधीन स्थान (कार्यालय तथा आवासीय)
4.	मुख्य प्रशासन अधिकारी या ज्येष्ठ प्रबंधक (कार्मिक एवं औद्योगिक संपर्क) या प्रबंधक (कार्मिक), नरोरा परमाणु बिजलीघर, डाकघर-नरोरा बाया-देबई, बुलंदशहर उत्तर प्रदेश-202397	नरोरा परमाणु बिजलीघर, डाकघर नरोरा, बाया देबई, जिला-बुलंदशहर, उ.प्र. में न्यूक्लियर पावर कारपोरेशन आफ इंडिया लि. के या उनके प्रबंध के अधीन स्थान (कार्यालय तथा आवासीय)
5.	मुख्य प्रशासन अधिकारी या ज्येष्ठ प्रबंधक (कार्मिक एवं औद्योगिक संपर्क) प्रबंधक (कार्मिक) काकरापार परमाणु बिजली परियोजना, ग्राम मोतीचेर, तालुका-मांडवी, जिला-सुरत, गुजरात	काकरापार परमाणु बिजली परियोजना, ग्राम मोतीचेर, मणिचेर या तथा राजवाड़ा, तालुका-मांडवी तथा ग्राम ऊंचामाला, तालुका व्यारा जिला सुरत, गुजरात में न्यूक्लियर पावर कारपोरेशन आफ इंडिया लि. के या उनके प्रबंध के अधीन स्थान (कार्यालय तथा आवासीय)
6.	मुख्य प्रशासन अधिकारी या ज्येष्ठ प्रबंधक (कार्मिक एवं औद्योगिक संपर्क) या प्रबंधक (कार्मिक), राजस्थान परमाणु बिजली 3 एवं 4, डाकघर-अणुशक्ति, बाया-कोटा, राजस्थान-323303	राजस्थान परमाणु बिजली परियोजना 3 एवं 4 रावतभाटा खेरली अणुशक्ति विक्रम नगर, भाभा नगर जिला चित्तौड़गढ़ राजस्थान में न्यूक्लियर पावर कारपोरेशन आफ इंडिया लि. के या उनके प्रबंध के अधीन स्थान (कार्यालय तथा आवासीय)
7.	उप महा प्रबंधक (कार्मिक और औद्योगिक संपर्क) या ज्येष्ठ प्रबंधक (कार्मिक और औद्योगिक संपर्क) या प्रबंधक (पी एंड आई आर), कैगा परमाणु बिजली योजना, 977, राम कृपा आश्रम रोड, करबार, जिला-उत्तर कन्नड़, कर्नाटक-581301	कैगा परमाणु बिजली परियोजना, ग्राम-मेलापुर, कैगा, करबार जिला-उत्तर कन्नड़ कर्नाटक में न्यूक्लियर पावर कारपोरेशन आफ इंडिया लि. के या उसके प्रबंध के अधीन स्थान (कार्यालय तथा आवासीय)
8.	मुख्य प्रशासन अधिकारी या ज्येष्ठ प्रबंधक (कार्मिक एवं औद्योगिक संपर्क) या प्रबंधक (कार्मिक) न्यूक्लियर पावर कारपोरेशन आफ इंडिया लि. डी.ए.ई., कार्यालय काम्प्लेक्स, विक्रमसाराभाई, अणुशक्ति नगर, मुम्बई-400094	न्यूक्लियर पावर कारपोरेशन आफ इंडिया लि. के मुम्बई स्थित मुख्यालय तथा भारत में विभिन्न स्थानों में स्थित संपर्क कार्यालयों, गुणवत्ता निगरानी कार्यालयों, रजिस्टर्ड कार्यालय आदि के या उनके प्रबंध के अधीन स्थान (कार्यालय तथा आवासीय)
9.	मुख्य प्रशासन अधिकारी या ज्येष्ठ प्रबंधक (कार्मिक एवं औद्योगिक संपर्क) या प्रबंधक (कार्मिक), राजस्थान परमाणु बिजली घर 5-8, डाकघर, अणुशक्ति, बाया-कोटा, राजस्थान-323303	राजस्थान परमाणु बिजली परियोजना 5-8, रावतभाटा खेरली (अणुशक्ति) विक्रम नगर, भाभा नगर, तहसील नागन, जिला-चित्तौड़गढ़ राजस्थान में न्यूक्लियर पावर कारपोरेशन आफ इंडिया लि. के या उनके प्रबंध के अधीन स्थान (कार्यालय तथा आवासीय)

1	2	3
10.	मुख्य प्रशासन अधिकारी या ज्येष्ठ प्रबंधक (कार्मिक एवं औद्योगिक संपर्क) या प्रबंधक (कार्मिक), तारापुर परमाणु बिजली परियोजना, 3 एवं 4 डाकघर-टी ए पी पी जिला-ठाणे	तारापुर परमाणु बिजली परियोजना युनिट 3 एवं 4 जि. ठाणे (महाराष्ट्र) में न्यूक्लियर पावर कारपोरेशन आफ इंडिया लि. का या उनके प्रबंध के अधीन स्थान (कार्यालय तथा आवासीय)।

[सं. 1/11(33)/94-पी एस यू-1/1332]

के. रवीन्द्रन, अवर सचिव

DEPARTMENT OF ATOMIC ENERGY

Mumbai, the 4th September, 1996

S.O. 2737.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the notification of the Government of India in the Department of Atomic Energy, S.O. No. 898, dated the 18th February, 1991, except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the Officers mentioned in column 2 of the Table below being Officers equivalent to the rank of Gazetted Officers of the Government of India, to be Estate Officers for the purposes of the said Act who shall exercise the powers conferred and perform the duties imposed on the Estate Officers by or under the said Act within the local limits of their respective jurisdiction in respect of the public premises specified in column 3 of the said Table.

TABLE

S.No.	Designation of the Officer	Categories of the Public Premises & in local limits jurisdiction.
1	2	3
1.	Chief Administrative Officer or Senior Manager (P&IR) or Manager (Personnel), Tarapur Atomic Power Station, PO ; Tarapur Dist. Thane-401 504 (Maharashtra)	Premises (Officer and Residential) belonging to or under the management of the Nuclear Power Corp'n. of India Ltd. at Tarapur Atomic Power Station in Palghar & Dahanu Taluka, Dist. Thane (Maharashtra).
2.	Chief Administrative Officer or Senior Manager (P&IR) or Manager (Personnel), Madras Atomic Power Station, Kalpakkam 603 102, Dist. Chengalpattu Tamilnadu.	Premises (Office and Residential) belonging to or under the management of the Nuclear Power Corp'n. of India Ltd. at Madras Atomic Power Station in Kalpakkam Chengalpattu Dist. Tamilnadu.
3.	Dy. General Manager (P&IR) or Senior Manager (P&IR) or Manager (P&IR), Rajasthan Atomic Power Station, PO ; Anushakti vis ; Kota Rajasthan 323303	Premises (Office and Residential) belonging to or under the management of the Nuclear Power Corp'n. of India Ltd. at Rajasthan Atomic Power Station in Rawatbhatta, Kherli (Anushakti) Vikram Nagar, Bhabha Nagar in Tehsil Nagun, Dist. Chittorgarh, Rajasthan.
4.	Chief Administrative Officer or Senior Manager (P & IR) or Manager (Personnel), Narora Atomic Power Station, PO. Norora via;Debai, Bulandshar, Uttar Pradesh 202397	Premises (Office and Residential) belonging to or under the management of the Nuclear Power Corp'n. of India Ltd. at Narora Atomic Power Station, PO ; Narora, via Debai, Bulandshar, Dist. U.P.
5.	Chief Administrative Officer or Senior Manager (P&IR) or Manager (Personnel), Kakrapar Atomic Power Project, Village Moticher, Mandvi Taluka, Dist. Surat, Gujarat.	Premises (Office and Residential) belonging to or under the management of the Nuclear Power Corp'n. of India Ltd. at Kakrapar Atomic Power Project in village Moticher Manicher

1	2	3
		Rajwad in the Mandvi Taluka and village Unchamala, Vyara Taluka Dist. Surat, Gujarat.
6. Chief Administrative Officer or Senior Manager (P&IR) or Manager (Personnel), Rajasthan Atomic Power Station 3&4, PO; Anushakti, Via; Kota, Rajasthan 323303.		Premises (Office and Residential) belonging to or under the management of the Nuclear Power Corp. of India Ltd. at Rajasthan Atomic Power Project 3&4 in Rawatbhatta Kherli (Anushakti), Vikaram Nagar, Bhabha Nagar, in Tehsil Nagun Dist. Chittorgarh, Rajasthan.
7. Dy. General Manager (P&IR) or Senior Manager (P&IR) or Manager (P&IR), Kiaga Atomic Power Project, 977, Ram Krupa Ashram Rd., Karwar, Uttar Kannada Dist.-Karnataka 581301.		Premises (Office and Residential) belonging to or under the management of the Nuclear Power Corp. of India Ltd. at Kaiga Atomic Power Project in village Mallapur, Kaiga, Karwar in Uttar Kannada Dist. of Karnataka.
8. Chief Administrative Officer or Senior Manager (P&IR) or Manager (Personnel), Nuclear Power Corporation of India Limited DAE, Office Complex, Vikram Sarabhai Bhavan, Anushakti Nagar, Mumbai-400094.		Premises (Office and Residential) belonging to or under the management of the Nuclear Power Corp. of India Ltd. at its Head-quarters Office in Mumbai, Liaison offices, Quality Surveillance Offices Registered Office etc. located at various places in India.
9. Chief Administrative Officer or Senior Manager (P&IR) or Manager (Personnel), Rajasthan Atomic Power Station 5 to 8, PO ; Anushakti, Via ; Kota, Rajasthan 323303.		Premises (Office and Residential) belonging to or under the management of the Nuclear Power Corp. of India Ltd. at Rajasthan Atomic Power Project 5-8, in Rawatbhatta Kherli (Anushakti), Vikram Nagar, Bhabha Nagar in Tehsil Nagun, Dist. Chittorgarh, Rajasthan.
10. Chief Administrative Officer or Senior Manager (P&IR) or Manager (Personnel), Tarapur Atomic Project 3&4, PO; TAPP Dist. Thane.		Premises (Office and Residential) belonging to or under the management of the Nuclear Power Corp. of India Ltd. at Tarapur Atomic Power Project Unit 3&4 in Thane Dist. (Maharashtra).

[No. 1/11(33)/94-PSU-I/1332]
K. RAVEENDRAN, Under Secy.

संस्कृति विभाग

भारतीय पुरातत्व सर्वेक्षण

नई दिल्ली, 16 सितम्बर, 1996

(पुरातत्व)

का.आ. 2738.--केंद्रीय सरकार, ने प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अभिलेख अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) की अपेक्षाानुसार भारत सरकार के संस्कृति विभाग (भारतीय पुरातत्व सर्वेक्षण) को अधिसूचना सं. का.आ. 302, तारीख 19 जनवरी, 1996 द्वारा, जो भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 3 फरवरी, 1996 में प्रकाशित की गई थी। उक्त अधिसूचना की अनुसूची में विनिर्दिष्ट संस्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आशय की बीमास की सूचना दी थी और उस अधिसूचना की एक प्रति उक्त संस्मारक के समीप सहज दृश्य स्थान पर लगा दी गई थी।

और उक्त अधिसूचना की राजपत्रित प्रतियां जनता को 5 फरवरी, 1999 को उपलब्ध करा दी गई थी।

और केंद्रीय सरकार को किसी व्यक्ति से ऐसा बोधना करने की निचे कोई आक्षेप प्राप्त नहीं हुआ है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उम्मेद उपाय्य अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक को राष्ट्रीय महत्व को घोषित करती है।

अनुसूची

क्रम सं.	संस्मारक का नाम	परिक्षेत्र	तालुक	जिला	संस्मारक के लिये शामिल किये जाने वाला सर्वेक्षण संख्या
1	2	3	4	5	6
1.	श्री अजगिया नरसिम्हा पेरुमल मंदिर	इन्नयोरम	विल्लुपुरम	दक्षिण अर्कोट तमिलनाडु	सर्वेक्षण संख्या 30 भाग
	क्षेत्र	सीमाएं		स्वामिभू	टिप्पणियां
	7	8		9	10
0	35.5 हेक्टर या 0.87 एकड़	उत्तर : सर्वेक्षण सं. 30 गली पूर्व : सर्वेक्षण सं. 30 दक्षिण : सर्वेक्षण सं. 30 गली पश्चिम : सर्वेक्षण सं. 30		नथम	मंदिर में पूजा होती है।

[फा. सं. 2/28/89-एम (बी)]

ए.सी. ग्रोवर, निदेशक (प्रशासन)

ARCHAEOLOGICAL SURVEY OF INDIA

New Delhi, the 16th September, 1996
(ARCHAEOLOGY)

S.O. 2738,—Whereas by a notification of the Government of India in the Department of Culture (Archaeological Survey of India) Number S.O. 302, dated the 19th January, 1996, published in Part II, Section 3, Sub-section (ii), of the Gazette of India, dated the 3rd February, 1996 the Central Government gave two months' notice of its intention to declare the monument specified in the Schedule to the said notification to be of national importance; and a copy of the notification was fixed in a conspicuous place near the said monument as required by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 24 of 1958);

And whereas copies of the said Gazette notification were made available to the public on 5th February, 1996;

And whereas no objections have been received to the making of such declaration from any person by the Central Government;

Now, therefore, in exercise of the powers conferred by sub section (3) of section 4 of the said Act, the Central Government hereby declares the ancient monument specified in the Schedule annexed hereto to be of national importance.

SCHEDULE

Sl. No.	Name of the monument	Locality	Taluk	District	Survey number to be included under protection
2	3	4	5	6	
1.	Sri Azagiya Narsimha perumal temple.	Ennayiram.	Villupuram.	South Arcot, Tamil-Nadu.	Survey number 30 Part.
	Area	Boundaries	Ownership	Remarks	
	7	8	9	10	
	5.5 Hectares or 0.87 Acres.	North : Survey number 30 Street. East : Survey number 30. South : Survey number 30 street. West : Survey number 30	Natham	Temple is under worship.	

[F. No.2/28/89-M(B)]

A. C. GROVER, Director (Admn.)

नई दिल्ली, 16 सितम्बर, 1996

(पुरातत्व)

फा.आ. 2739.—केन्द्रीय सरकार ने, प्राचीन स्मारक तथा पुरातत्त्वोत्पन्न स्थावर और अस्थायी अधिनियम, 1958 (1958 का 24) की धारा 4 का उपधारा (1) की अधीनस्थान मध्य सरकार के संस्कृति विभाग (भारतीय पुरातत्व सर्वेक्षण) की अधिसूचना सं. कां.आ. 300, तारीख 19 जनवरी, 1996 द्वारा जो भारत के राजपत्र, भाग 3, खंड 3, उपखंड (ii), तारीख 3 फरवरी, 1996 में प्रकाशित की गई थी, उक्त अधिसूचना की अनुसूची में विनिर्दिष्ट स्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आशय की दो मास की सूचना दी थी और उक्त अधिसूचना की एक प्रति उक्त स्मारक के समीप सहज दृश्य स्थान पर लगा दी गई थी।

और उक्त राजपत्र अधिसूचना की प्रतियां जनता का 5 फरवरी, 1996 को उपलब्ध करा दी गई थी।

और केन्द्रीय सरकार को किसी व्यक्ति से ऐसी घोषणा के मन्त्रध में कोई आक्षेप प्राप्त नहीं हुआ है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इससे उदात्त अनुसूची में विनिर्दिष्ट प्राचीन स्मारक को राष्ट्रीय महत्व का हेतु घोषित करती है।

अनुसूची

क्र.सं.	स्मारक का नाम	परिक्षेत्र	तालुक	जिला	संरक्षण के लिये शामिल किये जाने वाले सर्वेक्षण संख्या
1	2	3	4	5	6
अ.	श्री ब्रह्मपूजेश्वर मंदिर	ब्रह्मदेशम	विल्लुपुरम	दक्षिण अर्कोट (तामिलनाडु)	सर्वेक्षण संख्यांक 207 (सम्पूर्ण) सर्वेक्षण संख्यांक 205 (भाग)
क्षेत्र		समाप्ति		स्वामित्व	टिप्पणियाँ
7	8	9	10		
1. 6 2. 5	उत्तर : सर्वेक्षण संख्यांक 206 और 205 भाग	सर्वेक्षण संख्यांक 207 मंदिर भूमि	मंदिर में पूजा होती है।		
0. 03. 0	पूर्व : सर्वेक्षण संख्यांक 203, 202 और 201	सर्वेक्षण संख्यांक 205 भाग निश			
	दक्षिण : सर्वेक्षण संख्यांक 201 और 208				
	पश्चिम : सर्वेक्षण संख्यांक 278				
योग	1. 65. 5 हेक्टर				
	या				
	4. 08 एकड़				

[फा.सं. 2/28/89-एम (ए)]

ए.सी. श्रीराम, निदेशक (प्रशासन)

New Delhi, the 16th September, 1996

(ARCHAEOLOGY)

S.O. 2739.—Whereas by a notification of the Government of India in the Department of Culture (Archaeological Survey of India) Number S.O. 300 dated the 19th January, 1996, published in Part II, Section 3, Sub-section (ii), of the Gazette of India, dated the 3rd February, 1996, the Central Government gave two month's notice of its intention to declare the monument specified in the Schedule to the said notification to be of national importance; and a copy of the notification was affixed in a conspicuous place near the said monument as required by sub section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958);

And, whereas copies of the said Gazette notification were made available to the public on 5th February, 1996;

And whereas no objections have been received to the making of such declaration from any person by the Central Government;

Now, therefore, in exercise of the powers conferred by sub section (3) of section 4 of the said Act, the Central Government hereby declares the ancient monument specified in the Schedule annexed hereto to be of national importance.

SCHEDULE

Sl. No.	Name of the monument	Locality	Taluk	District	Survey number to be included under protection
1	2	3	4	5	6
1.	Sri Brahmapurishwara Temple.	Brahmadesam	Villupuram	South Arcot, (Tamil Nadu)	Survey Number 207 (Complete). Survey Number 205 (Part).

Area	Boundaries	Ownership	Remarks
7	8	9	10
1.62.5	North : Survey numbers 206 and 205 Part.	Survey number 207 Temple land.	Temple is under worship
0.03.0	East : Survey numbers 203, 202 and 201. South : Survey numbers 201 and 208. West : Survey number 278.	Survey 205 Part Private.	
1.65.5 Hectares or 4.08 Acres.			

[F. No. 2/28/89-M(A)]
A. C. GROVER, Director (Admn.)

नई दिल्ली, 16 सितम्बर, 1996
(पुरातत्व)

का. धा. 2740 :—केन्द्रीय सरकार ने, प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) की अपेक्षानुसार भारत सरकार के संस्कृति विभाग (भारतीय पुरातत्व सर्वेक्षण) की अधिसूचना संख्यांक का. धा. 303 तारीख 19 जनवरी, 1996 द्वारा, जो भारत के राजपत्र, भाग 2 खंड 3, उपखंड (iii) तारीख 3 फरवरी, 1996 में प्रकाशित की गई थी, उक्त अधिसूचना की अनुसूची में विनिर्दिष्ट संस्मारक को राष्ट्रीय महत्व को घोषित करने के अपने आशय को दो भाग की सूचना दी थी और उस अधिसूचना की एक प्रति उक्त संस्मारक के समीप सहज दृश्य स्थान पर लगा दी गई थी ;

और उक्त राजपत्र अधिसूचना की प्रतियाँ 5 फरवरी, 1996 को जनता को उपलब्ध करा दी गई थीं।

और केन्द्रीय सरकार किसी व्यक्ति से ऐसी घोषणा के संबंध में कोई आक्षेप प्राप्त नहीं हुए हैं ;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इससे उपाखंड अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक को राष्ट्रीय महत्व का होना घोषित करती है।

अनुसूची

क्र. सं.	संस्मारक का नाम	परिक्षेत्र	तालुक	जिला	संरक्षण के लिए शामिल किए जाने वाले सर्वेक्षण संख्यांक
1	2	3	4	5	6
1.	श्री पठलेखर मंदिर	ब्रह्म देशम	बिल्लुपुरम	दक्षिण घाट (तमिलनाडु)	सर्वेक्षण संख्यांक 183 भाग सर्वेक्षण संख्यांक 184 भाग सर्वेक्षण संख्यांक 200 भाग सर्वेक्षण संख्यांक 195 भाग
7	8	9	10		
क्षेत्र हेक्टर	सीमाएं	स्वामित्व	टिप्पणी		
0.09.0	उत्तर सर्वेक्षण संख्यांक 183 और 195	सर्वेक्षण संख्यांक 183 मंदिर भूमि	मंदिर में पूजा होती है।		
0.04.0	पूर्व : सर्वेक्षण संख्यांक 184 और 183	सर्वेक्षण संख्यांक 184 निजी			
0.46.5	दक्षिण : सर्वेक्षण संख्यांक 200 (सड़क)	सर्वेक्षण संख्यांक 200 नायम			
0.03.0	पश्चिम : सर्वेक्षण संख्यांक 200 और 195	सर्वेक्षण संख्यांक 195 निजी			
0.62.5 हेक्टर या 1.54 एकड़					

[का. सं. 2/28/89-एम]
ए. सी. ग्रोवर, निदेशक (प्रशासन)

New Delhi, the 16th September, 1996

(ARCHAEOLOGY)

S.O. 274J.—Whereas by a notification of the Government of India in the Department of Culture (Archaeological Survey of India) Number S.O. 303, dated the 19th January, 1996, published in Part II, Section 3, Sub section (ii), of the Gazette of India, dated the 3rd February, 1996, the Central Government gave two months' notice of its intention to declare the monument specified in the Schedule to the said notification to be of national importance; and a copy of the notification was affixed in a conspicuous place near the said monument as required by sub section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958);

And whereas copies of the said Gazette notification were made available to the public on 5th February, 1996;

And whereas no objections have been received to the making of such declaration from any person by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act, the Central Government hereby declares the ancient monument specified in the Schedule annexed hereto to be of national importance.

SCHEDULE

Sl. No.	Name of the monument	Locality	Taluk	District	Survey number to be included under protection
1	2	3	4	5	6
1.	Sri Pathaleswara Temple	Brahmadesam	Villupuram	South Arcot (Tamil Nadu).	Survey number 183 part. Survey number 184 part. Survey number 200 part. Survey number 195 part.
Area Hectares	Boundaries		Ownership	Remarks	
7	8		9	10	
0.09.0	North : Survey numbers 183 and 195.		Survey number 183 temple land.	Temple is under worship.	
0.04.0	East : Survey numbers 184 and 183.		Survey number 184 private.		
0.46.5	South : Survey number 200 (Road).		Survey number 200 natham.		
0.03.0	West : Survey numbers 200 and 195.		Survey number 195 private.		
0.62.5 Hectares or 1.54 Acres					

[F. No. 2/28/89-M]
A. C. GROVER, Director (Admn.)

नई दिल्ली, 16 सितम्बर, 1996

(पुरातत्व)

क्र. आ. 2741 :—केन्द्रीय सरकार की यह राय है कि इसमें उपावद्ध अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक राष्ट्रीय महत्व का है ;

अतः, अब, केन्द्रीय सरकार, प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) द्वारा प्रवर्त शक्तियों का प्रयोग करने द्वारा, उक्त प्राचीन संस्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आशय की दो मास की सूचना देती है।

केन्द्रीय सरकार इस अधिसूचना के राजपत्र में जारी किए जाने की तारीख से दो मास की अवधि भीतर उक्त प्राचीन संस्मारक में हितवद्ध किसी व्यक्ति से उक्त संस्मारक के राष्ट्रीय महत्व को घोषित किए जाने के संबंध में प्राप्त किसी आपत्ति पर विचार करेगी। आपत्तियां महानिदेशक भारतीय पुरातत्व सर्वेक्षण नई दिल्ली 110011 को भेजी जा सकेंगी।

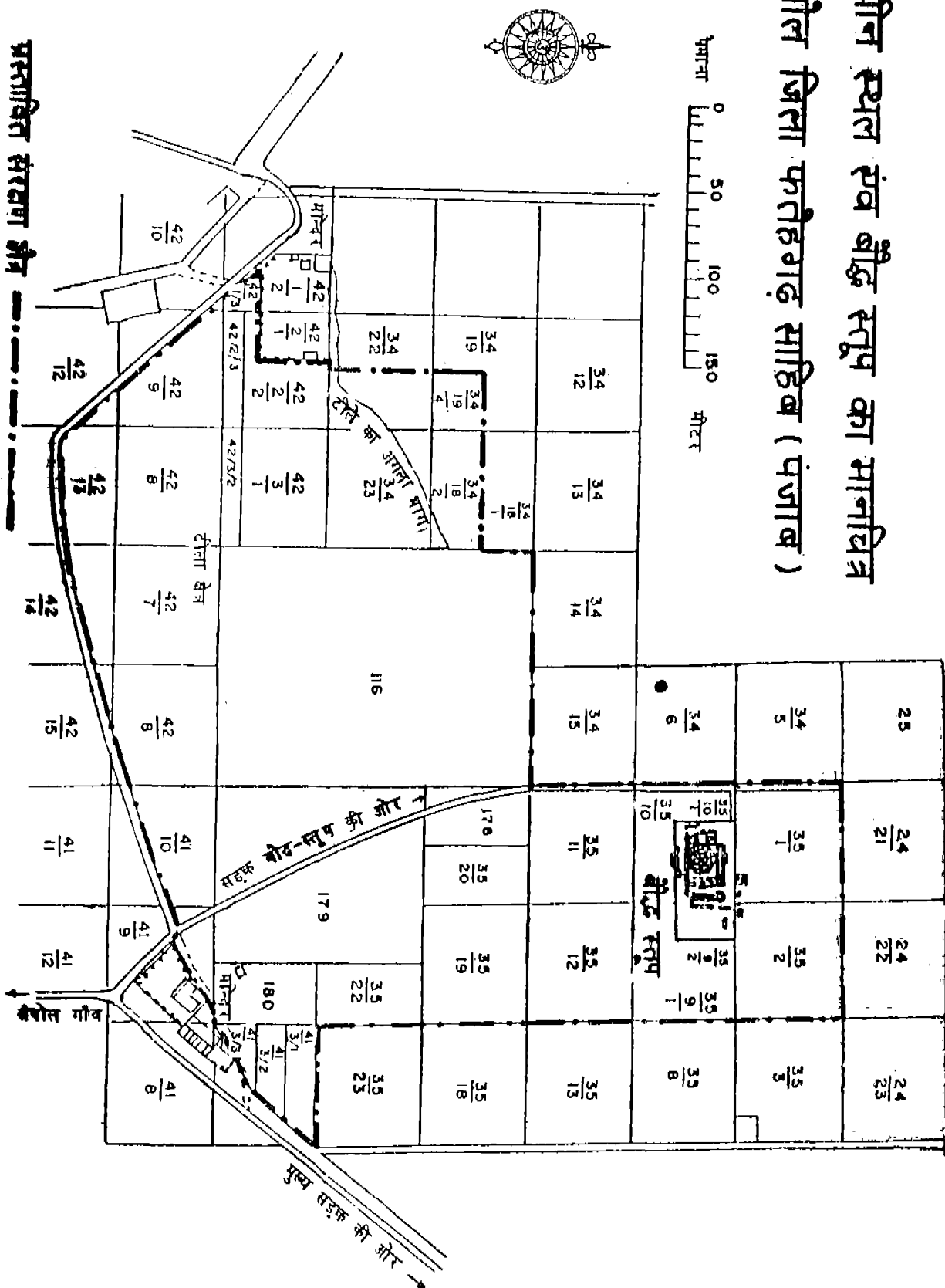
प्रत्युत्तरी

राज्य	जिला	तहसील	परिक्षेत्र	संस्मारक/ स्थल का नाम	संरक्षण के लिए शामिल किए जाने वाले राजस्व प्लॉट संख्या	क्षेत्र कतार	स्वामित्व मरला	सीमाएं
1	2	3	4	5	6	7	8	9
पंजाब	फतेहगढ़ साहिब	खमानो	संयोग (उरुआ मिण्ड)	प्राचीन संस्मारक और दीर्घ स्तूप	खसरा सं. 34/18/2 (भाग) खसरा सं. 34/19/4 भाग खसरा सं. 34/22 भाग खसरा सं. 34/23 खसरा सं. 35/1 भाग खसरा सं. 35/2 खसरा सं. 35/8/2 भाग खसरा सं. 35/9/1 भाग खसरा सं. 35/10/1 भाग खसरा सं. 35/10/2 भाग खसरा सं. 35/11 भाग खसरा सं. 35/12 खसरा सं. 35/19 खसरा सं. 35/20 भाग खसरा सं. 35/22 भाग खसरा सं. 41/3/1 भाग खसरा सं. 41/3/2 भाग खसरा सं. 41/3/3 भाग खसरा सं. 41/9 भाग खसरा सं. 41/10 भाग खसरा सं. 42/1/3 भाग खसरा सं. 42/2/2 भाग खसरा सं. 42/2/3 भाग खसरा सं. 42/3/1 भाग खसरा सं. 42/3/2 भाग खसरा सं. 42/6 भाग खसरा सं. 42/7 भाग खसरा सं. 42/8 खसरा सं. 42/9 भाग खसरा सं. 42/10 भाग खसरा सं. 42/12 भाग खसरा सं. 42/13 भाग खसरा सं. 42/14 भाग खसरा सं. 42/15 भाग खसरा सं. 116 खसरा सं. 178 खसरा सं. 179 खसरा सं. 180	4.00 ग्राम पंचायत 2.00 --वही-- 4.01 --वही-- 8.00 --वही-- 7.12 टाकुर द्वारा 8.00 --वही-- 1.09 --वही-- 6.11 --वही-- 2.16 --वही-- 4.14 --वही-- 7.12 --वही-- 8.00 --वही-- 8.00 --वही-- 4.00 --वही-- 4.00 --वही-- 2.02 --वही-- 1.08 --वही-- 1.00 --वही-- 1.10 --वही-- 4.14 --वही-- 0.13 --वही-- 4.04 --वही-- 1.16 --वही-- 6.04 --वही-- 1.16 --वही-- 5.11 --वही-- 5.16 --वही-- 8.00 --वही-- 5.14 --वही-- 0.01 --वही-- 0.07 --वही-- 3.15 --वही-- 2.10 --वही-- 0.10 --वही-- 52.09 पंचायत 4.00 --वही-- 23.01 --वही-- 4.00 --वही--	उत्तर : खसरा सं. 24/18/ 1 भाग, 34/19, 34/14/34/ 15, 23/21, 24/22, 35 23, 42/1/2, 42/2/1 (भाग) पूर्व : 34/3, 35/8, 35/14 13, 35/18, 35/23 और सड़क दक्षिण भाग 41/9 (भाग), 41/10 (भाग) 12/6 (भाग), 42/15, 42/1 (भाग), 42/13 (भाग), 42/12 भाग, 42/9 (भाग), 42/10 और निक रोड पश्चिम : 34/5, 34/6, 34/15, 34/18/1 (भाग), 34/19 (भाग), 34/22 (भाग), 42/2/1 (भाग).	

221.19 कतार या 26.65 एकड़

(स्थल रेखांक नीचे दिया गया है)

प्राचीन स्थल एवं बौद्ध स्तूप का मानचित्र
संघील जिला फरीदाद साहिब (पंजाब)



[फा. सं. 2/6/85-एम]

ए. सी. मोघर, निदेशक (प्रशासन)

New Delhi, the 16th September, 1996

(ARCHAEOLOGY)

S.O. 2741 .—Whereas the Central Government is of the opinion that the ancient monument specified in the Schedule annexed hereto is of national importance;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives two month's notice of its intention to declare the said ancient monument to be national importance:

Any objection to the declaration of the said monument to be of national importance, which may be received within the said period of two months from the date of issue of this notification in the Official Gazette from any person interested in the said ancient monument will be taken into consideration by the Central Government. The objection may be sent to the Director General, Archaeological Survey of India, New Delhi-110 011.

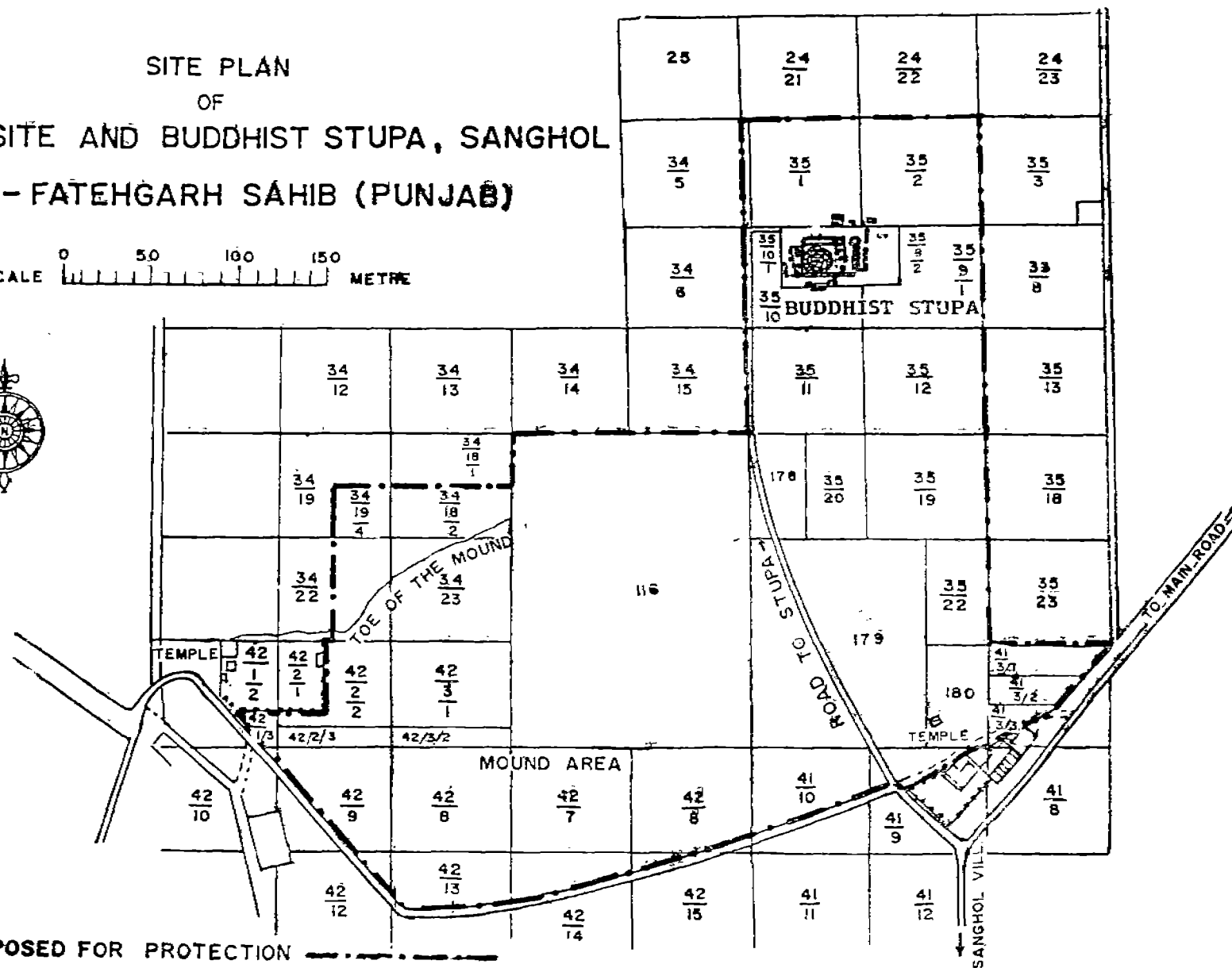
SCHEDULE

State	District	Tehsil	Locality	Name of Monument Site
1	2	3	4	5
Punjab	Fatehgarh Sahib	Khamano	Sanghol (Uchha Pind)	Ancient Site and Buddhist Stupa
Revenue plot numbers to be included under protection		Area Kanal Merla	Ownership	Boundaries
6	7	8	9	
Khasra Number 34/18/2(Part)	4.00	Gram Panchayat	North :—Khasra Number 24/18/1Part	
Khasra Number 34/19/4 Part	2.00	-do-	34/19, 34/14, 34/15, 24/21, 24/22,35/23,	
Khasra Number 34/22 Part	4.01	-do-	42/1/2, 42/2/1 (Part).	
Khasra Number 34/23	8.00	-do-		
Khasra Number 35/1 Part	7.12	Thakur Dwara		
Khasra Number 35/2	8.00	-do-		
Khasra Number 35/9/2 Part	1.09	Thakur Dwara	East :—34/3, 35/8, 35/13, 35/18, 35/23 and	
Khasra Number 35/9/1 Part	6.11	-do-	road.	
Khasra Number 35/10/1 Part	2.16	-do-		
Khasra Number 35/10/2 Part	4.14	-do-		
Khasra Number 35/11 Part	7.12	-do-	South :—41/9 (Part), 41/10 (Part) 42/6(Part)	
Khasra Number 35/12	8.00	-do-	42/15, 42/14 (Part) 42/13 (Part)42/12	
Khasra Number 35/19	8.00	-do-	Part. 42/9, 42/10 and link road	
Khasra Number 35/20 Part	4.00	-do-		
Khasra Number 35/22 Part	4.00	-do-		
Khasra Number 41/3/1 Part	2.02	-do-	West : —34/5, 34/6, 34/15, 34/18/1 (Part),	
Khasra Number 41/3/2 Part	1.08	Panchyat	34/19 (Part) 34/22 (Part), 42/2/1 (Part).	
Khasra Number 41/3/3 Part	1.00	-do-		
Khasra Number 41/9 Part	1.10	-do-		
Khasra Number 41/10 Part	4.14	-do-		
Khasra Number 42/1/3 Part	0.13	-do-		
Khasra Number 42/2/2 Part	4.04	-do-		
Khasra Number 42/2/3 Part	1.16	-do-		
Khasra Number 42/3/1 Part	6.04	-do-		
Khasra Number 42/3/2 Part	1.16	-do-		
Khasra Number 42/6 Part	5.11	-do-		
Khasra Number 42/7 Part	5.16	-do-		
Khasra Number 42/8	8.00	-do-		
Khasra Number 42/9 Part	5.14	-do-		
Khasra Number 42/10 Part	0.01	-do-		
Khasra Number 42/12 Part	0.07	-do-		
Khasra Number 42/13 Part	3.15	-do-		
Khasra Number 42/14 Part	2.10	-do-		
Khasra Number 42/15 Part	0.10	-do-		
Khasra Number 116	52.09	-do-		
Khasra Number 178	4.00	-do-		
Khasra Number 179	23.04	-do-		
Khasra Number 180	4.00	-do-		
221.19				
Kanals				
or				
26.65 Acres				

(Site Plan Reproduced on next page)

SITE PLAN
OF
ANCIENT SITE AND BUDDHIST STUPA, SANGHOL
DISTT.- FATEHGARH SAHIB (PUNJAB)

SCALE 0 50 100 150 METRE



नई दिल्ली, 16 सितम्बर, 1996

(पुरातत्व)

का.प्र. 15-2-वेन्द्रेय सम्भार ने, प्राचीन संस्मारक तथा पुरातत्त्विक स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) की अपेक्षा द्वारा भारत सरकार के संस्कृति विभाग (भारतीय पुरातत्व सर्वेक्षण) की इतिरचना सं. का.प्र. 301, तारीख 19 जनवरी, 1996 द्वारा जो 'का.प्र. 15-2-वेन्द्रेय सम्भार 2, खंड 2, उपखंड (ii)' तारीख 1 फरवरी, 1996 में प्रकाशित की गई थी, उक्त अधिसूचना की अनुसूची में विनिर्दिष्ट संस्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आशय की दो मास की सूचना दी थी और उस अधिसूचना की एक प्रति उक्त संस्मारक के समीप सहज स्थान पर लगा दी गई थी।

और उक्त राजपत्र अधिसूचना की प्रतियां 5 फरवरी, 1996 को जनता को उपलब्ध करा दी गई थी।

और केन्द्रीय सरकार को ऐसी घोषणा किए जाने के प्रति किसी व्यक्ति से कोई आक्षेप प्राप्त नहीं हुए है।

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करके उक्त स्थल राष्ट्रीय में विनिर्दिष्ट प्राचीन संस्मारक को राष्ट्रीय महत्व का घोषित करती है।

अनुसूची

राज्य	जिला	परिक्षेत्र	संस्मारक/ स्थल का नाम	संरक्षण के लिए भूमिगत किए जाने वाले संस्थ प्लॉट संख्या	क्षेत्र	सीमाएं	स्वामित्व	टिप्पण
1	2	3	4	5	6	7	8	9
उत्तर प्रदेश	उत्तर प्रदेश	गोथ खवसीसेरा (पुरोषा के अवशेष)	प्राचीन उत्खनित स्थल और समीप)	खसरा संख्या : 37, 90, 91, 115, 270, 274, 275, 276, 277, 278, 290, 291, 292, 293, 294, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 309, 310, 321, 322, 323, 324, 325 326, 340, 341, 361 और खसरा सं. 88, 89, 92, 114, 116, 268, 271, 273 279, 289, 308, 311, 312, 313 320, 327, 339, 342 और 362 का शेष भाग।	0.663 हेक्टर	उत्तर : खसरा संख्या 80, 81, 82, 83, 85, 86, 111, 112, 113, 117, 296, 295 और खसरा संख्या 88, 89, 92, 114, 116, 271, 273 और 268 का शेष भाग पूर्व : खसरा संख्या : 262, 263, 264, और 269 दक्षिण : खसरा सं. 281 और 375 तथा खसरा सं. 279, 289 और 362 का शेष भाग पश्चिम : खसरा सं. 307, 315, 319, 338, 343, 360, और खसरा सं. 308, 311, 312, 313, 320, 327, 339 और 342 का शेष भाग।	खसरा संख्या : 37 88 और 89 भाग 90, 92, 114, 233, 291 और 313 सरकार और शेष निजी स्वामित्व में है।	

[फा.सं. 2/35/88-एस]

ए.सी. शर्मा, निदेशक (प्रशासन)

New Delhi, the 16 September, 1996.

(ARCHAEOLOGY)

S.O. 2743.—Whereas by a notification of the Government of India in the Department of Culture (Archaeological Survey of India) Number S.O. 391, dated the 19th January, 1996, published in Part II, Section 3, Sub section (ii), of the Gazette of India dated the 3rd February 1996, the Central Government gave two month's notice of its intention to declare the monument specified in the Schedule to the said notification to be national importance and a copy of the notification was affix in a conspicuous place near the said monument as required by sub section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958);

And, whereas, copies of the said Gazette notification were made available to the public on 5th February, 1996;

And, whereas no objections have been received to the making of such declaration from any person by the Central Government;

Now, therefore, in exercise of the powers conferred by sub section(3) of section 4 of the said Act, the Central Government hereby declares the ancient monument specified in the Schedule annexed hereto to be of national importance.

SCHEDULE

State	District	Locality	Name of monument/Site	
1.	2.	3.	4.	
Uttar Pradesh	Uttar Kashi	Village Khawli Sera (near Purela).	Ancient excavated site and Remains.	
Revenue plot numbers to be included under protection	Area	Boundaries	Ownership	Remarks
5.	6.	7.	8.	9.
Khasra numbers 87, 90, 91, 115 270, 274, 275, 276, 277, 278, 290, 291, 292, 293, 294, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 309, 310, 321, 322, 323, 324, 325, 326, 340, 341, 361, and part of Khasra Numbers 88, 89, 92, 114, 116, 268, 271, 273, 279, 289, 308, 311, 312, 313, 320, 327, 339, 342 and 362 as.	0.663 Hectare	North : Khasra numbers 80, 81, 82, 83, 85, 86, 111, 112, 113, 117, 296, 295 and remaining parts of Khasra numbers 88, 89, 92, 114, 116, 271, 273 and 268. East : Khasra numbers 262, 263, 264 and 269. South : Khasra numbers 281, 375 and remaining part of Khasra numbers 279, 289 and 362. West : Khasra numbers 307, 315, 319, 338, 343, 360 and remaining part of Khasra numbers 308, 311, 312, 313, 320, 327, 339, and 342.	Khasra numbers 87, 88 Part, 89 Part, 90, 92, 114, 293, 294 and 313 Government and remaining are under private ownership.	

[F. No. 2/35/88-M]

A.C. GROVER, Director (Admn.)

नई दिल्ली, 16 सितम्बर, 1996

(पुरातत्व)

का.प्र. 2743.—केन्द्रीय सरकार ने प्राचीन संस्मारक तथा पुरातात्विक स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) की अपेक्षाानुसार भारत के संस्कृति विभाग (भारतीय पुरातत्व सर्वेक्षण की अधिसूचना सं. का.प्र. 3242 तारीख 22 नवम्बर, 1995 द्वारा जो भारत के राजपत्र भाग 2, खंड 3, उपखण्ड (ii) तारीख 16 दिसम्बर, 1995 में प्रकाशित की गई थी, उक्त अधिसूचना की अनुसूची में विनिर्दिष्ट संस्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आशय की दो मास की सूचना दी थी और उस अधिसूचना की एक प्रति उक्त संस्मारक के समीप सहज दृश्य स्थान पर लगी दी गई थी,

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को 9 नवम्बर, 1996 को उपलब्ध करा दी गई थी,

और केन्द्रीय सरकार को किसी व्यक्ति से ऐसी घोषणा के संबंध में कोई आरोप प्राप्त नहीं हुआ है।

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इससे उपलब्ध अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक को राष्ट्रीय महत्व का होगा घोषित करती है।

अनुसूची

राज्य	जिला	तहसील	परिक्षेत्र	संस्मारक स्थल का नाम	संरक्षण के लिए शामिल किए जाने वाले राजस्व संख्यांक जो संलग्न खसरा संख्यांक के रेखांक के अनुसार	केनाल मारला में क्षेत्र	स्वामित्व	सीमाएं
1	2	3	4	5	6	7	8	9
हरियाणा	हिसार	होसी	ग्राम राखी खास	प्राचीन टीला सं. 1	120/3 (भाग) 120/4 (भाग) 120/5 (भाग) 120/6 120/14 120/15 120/16/1 (भाग) 120/17 120/18 (भाग) 121/1 (भाग) 121/10/2 (भाग) 121/11/1 (भाग) 121/20/1 (भाग) 253 (भाग) 254	4.00 4.00 4.00 8.00 8.00 8.00 7.06 8.00 5.08 3.08 3.14 2.04 0.10 6.00 11.12	हरियाणा सरकार पंचायत राखी खास पंचायत राखी खास पंचायत राखी खास पंचायत राखी खास पंचायत राखी खास पंचायत राखी खास पंचायत राखी खास पंचायत राखी खास पंचायत राखी खास पंचायत राखी खास पंचायत राखी खास पंचायत राखी खास पंचायत राखी खास पंचायत राखी खास	उत्तरी : खसरा संख्यांक 120/3, 4, 5 का भाग और 121/1 का भाग दक्षिण : खसरा संख्यांक 120/23, 24, 249 पूर्वी : खसरा संख्यांक 121/1/2/121/10/10/भाग 121/20, 121/16/2 भाग 232 भाग पश्चिम : खसरा सं. 45/2 9, 13, 18, 185 पूर्व : सं. 247, 120/23 (भाग), 120/18 भाग, 259, 258, 187 भाग
हरियाणा	हिसार	होसी	राखी आहपुर	प्राचीन टीला सं. 2 और 3	15/18 (भाग) 45/19]	2.17 8.00	बंसी सुपुत्र श्री शंकर ग्राम राखी आहपुर छाज, इसहार, राज सिंह, ग्राम राखी आहपुर	उत्तर : खसरा सं. 45/11, 12, 13, (भाग) 48/12, 13, 14, 15 पूर्व : सं. 247, 120/23 (भाग), 120/18 भाग, 259, 258, 187 भाग

1	2	3	4	5	6	7	8	9
					45/20	8.00	हरि सिंह, राखी शाहपुर शाहपुर	57/1/22, 57/2/2 57/22/10
					46/16	8.00	हरि सिंह, राखी शाहपुर,	दक्षिण : खसरा सं. 57/22/1, 23 भाग
					46/17	8.00	हरि सिंह राखी शाहपुर	188, 57/18 भाग 189 भाग
					46/18	8.00	हरि सिंह, राखी	57/19 पश्चिम : खसरा सं. 46/20, 21, 57/1
					46/19	8.00	दरिया सिंह रतन सिंह, राखी शाहपुर	47/10, 11
					46/22	8.00	श्रीमती सरती फली हरनाम सिंह, फतह सिंह राखी शाहपुर	
					185	60.00	पंचायत राखी शाहपुर	
					186	80.00	पंचायत राखी शाहपुर (मूर्धघाट)	
					187 (भाग)	30.00	पंचायत राखी शाहपुर	
					188 (भाग)	6.02	आवासी देय	
					189 (भाग)	19.00	पंचायत राखी शाहपुर (रास्ता)	
					57/2	8.00	दरिया सिंह राखी शाहपुर	
					57/9	8.00	हरि सिंह, राखी शाहपुर	
					57/12	8.00	रामकिशन, रामदेव राखी शाहपुर	
					57/16 (भाग)	6.05	पंचायत राखी शाहपुर	
					57/17 (भाग)	5.04	पंचायत राखी शाहपुर	
					57/18 (भाग)	3.09	पंचायत राखी शाहपुर	
					57/1/19/1	4.6	पंचायत राखी शाहपुर	
					57/1/19/2 (भाग)	3.02	पंचायत राखी शाहपुर	
					57/1/20 (भाग)	6.18	पंचायत राखी शाहपुर	
					57/1/21 (भाग)	7.04	नरसिंह दास, मंगिराम, राखी शाहपुर	
					57/2/1 (भाग)	2.04	श्रीमती कुंती मंगिराम फतह सिंह	

1	2	3	4	5	6	7	8	9
हरियाणा	हिसार	होसी	राखी खास	प्राचीन टीला सं. 5	142/17	8.00	पंचायत राखी खास	उत्तर : खतरा सं.
					142/18 (भाग)	4.00	पंचायत राखी खास	142/13 भाग
					142/23 (भाग)	4.00	पंचायत राखी खास	142/14, 141/11, 12,13 और 246
					142/24	9.00	पंचायत राखी खास	पूर्व : खतरा सं. 256 भाग, 146/15, 146/18
					145/3 भाग	4.00		भाग
					154/3 भाग	8.00	पंचायत राखी खास	दक्षिण : खतरा सं. 146/17, 146/18 भाग, 146/21, 22/23, 145/25, 14 और 7 (भाग) 8 (भाग)
					145/4	8.00	पंचायत राखी खास	पश्चिम खतरा सं. 145/3 भाग
					145/7 भाग	6.00	पंचायत राखी खास	145/7, 8 भाग 142/18 भाग
					145/8 भाग	2.00	पंचायत राखी खास	142/23 भाग 259 (भाग)
					246	48.00	पंचायत राखी खास	145/14, 145/17
					248	40.00	पंचायत राखी खास	
					250	16.00	पंचायत राखी खास	
					251	16.00	पंचायत राखी खास ग्रामी देह	
					256 भाग	68.00	पंचायत राखी खास (भाबारी वेय)	
					259 भाग	5.16	पंचायत राखी खास	
					146/14	8.00	पंचायत राखी खास	
					146/18 भाग	4.00	पंचायत राखी खास	
					146/19 भाग	8.00	पंचायत राखी खास	
					146	8.00	पंचायत राखी खास	
						33.14 एकड़		

[फा.सं. 2/16/73-एम (भाग 2)]
ए.सी.गोवर, निदेशक (प्रशासन)

New Delhi, the 16th September, 1996

(ARCHAEOLOGY)

S.O. 2743.—Whereas by a notification of the Government of India in the Department of Culture (Archaeological Survey of India, Number S.O. 3242, dated the 22nd November, 1995 published in Part II, Section 3, Sub section (ii), of the Gazette of India, dated the 16th December, 1995, the Central Government gave two months' notice of its intention to declare the monument specified in the Schedule to the said notification to be of national importance; and a copy of the notification was affixed in a conspicuous place near the said monument as required by sub section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958);

And whereas copies of the said Gazette notification were made available to the public on 9th January, 1996;

And whereas no objections have been received to the making of such declaration from any person by the Central Government;

Now, therefore, in exercise of the powers conferred by sub section (3) of section 4 of the said Act, the Central Government hereby declares the ancient monument specified in the Schedule annexed hereto to be of national importance.

SCHEDULE

State	District	Tahsil	Locality	Name of monument/ Site
1	2	3	4	5
Haryana	Hissar	Hansi	Village, Rakhi Khas.	Ancient mound No. 1

Revenue numbers to be included under protection as per plan attached khasra number	Area in kanal and Marla	Ownership	Boundaries
6	7	8	9
120/3 Part	4.00	Haryana Government.	North : Part of khasra numbers 120/3, 4, 5 and part of 121/1.
120/4 (Part)	4.00	Panchyat Rakhi Khas.	
120/5 (Part)	4.00	Panchyat Rakhi Khas.	
120/6	8.00	Panchyat Rakhi Khas.	South : Khasra number 120/23, 24, 249.
120/14	8.00	Panchyat Rakhi Khas.	
120/15	8.00	Panchyat Rakhi Khas.	
120/16/1 (Part)	7.06	Panchyat Rakhi Khas.	East : Khasra numbers 121/1/2/121/10/1/ Part 121/11-2 Part 121/20, 121/16/2 Part 222 Part.
120/17	8.00	Panchyat Rakhi Khas.	
120/18 (Part)	5.03	Panchyat Rakhi Khas.	
121/1 (Part)	3.06	Panchyat Rakhi Khas.	West : Khasra numbers 45/2, 7, 13, 18, 185.
121/10/2 (Part)	3.14	Panchyat Rakhi Khas.	
121/11/1 (Part)	2.04	Panchyat Rakhi Khas.	
121/20/1 (Part)	0.10	Panchyat Rakhi Khas.	
253 (Part)	6.00	Panchyat Rakhi Khas.	
254	14.12	Panchyat Rakhi Khas.	
	10.76		

1	2	3	4	5
Haryana	Hissar	Hansi	Rakhi Shahpur	Ancient mound number II and III.

6	7	8	9
45/18 (Part)	2.17	Chandgi s/o Shri Shankar, village, Rakhi Shahpur.	North :—Khasra Numbers 45/11, 12, 13 (part) 46/12, 13, 14, 15.
45/17	8.00	Chhaju, Ishar Raj Singh village, Rakhi Shahpur.	East :—Khasra Numbers 247, 120/13 part, 120/18 Part 259, 258, 187 Part 57/1/22, 57/2/2, 57/22/10
45/20	8.00	Hari Singh, village, Rakhi Shahpur.	

SCHEDULE

6	7	8	9
46/16	8.00	Hari Singh, Rakhi Shahpur.	
46/17	8.00	Hari Singh, Rakhi Shahpur.	South :—Khasra Numbers 57/22/1, 2, 3
46/18	8.00	Hari Singh, Rakhi Shahpur.	Part, 188, 57/18 Part 189 (Path) 57/19.
46/19	8.00	Daria Singh, Rattan Singh, Rakhi Shahpur.	
46/22	8.00	Smt. Sarti, w/o Harnam Singh, Fateh Singh Rakhi Shahpur.	West :—Khasra Numbers 46/20, 21, 57/1, 57/10, 11.
185	60.00	Panchyat, Rakhi Shahpur.	
186	80.00	Panchyat, Rakhi Shahpur. (Cremation Ground).	
187 (part)	30.00	Panchyat, Rakhi Shahpur.	
188 (part)	6.02	Abadi Deh.	
187 (part).	19.00	Panchyat, Rakhi Shahpur (Path).	
57/2.	8.00	Daria Singh, Rakhi Shahpur.	
57/9	8.00	Hawa Singh, Rakhi Shahpur.	
57/12	8.00	Ram Kishan, Ram Dev. Rakhi Shahpur.	
57/16 (part)	6.05	Panchyat, Rakhi Shahpur.	
57/17 (part)	5.04	Panchyat, Rakhi Shahpur.	
57/18 (part)	3.09	Panchyat, Rakhi Shahpur.	
57/1/17/1 (part).	4.06	Panchyat, Rakhi Shahpur.	
57/1/17/2 (part)	3.02	Panchyat, Rakhi Shahpur.	
57/1/20 (part)	6.18	Panchyat, Rakhi Shahpur.	
57/1/21 (part)	7.04	Narsingh Dass, Mange Ram, Rakhi Shahpur.	
57/2/1 (part)	2.04	Smt. Kunti, Mange Ram, Fateh Singh.	
	39.51		

1	2	3	4	5
Haryana	Hissar	Hansi	Rakhi Khas	Ancient mound No. V

6	7	8	9
142/17	8.00	Panchyat, Rakhi Khas.	North : Khasra numbers 142/13 part 142/14, 141/11, 12, 13 and 246.
142/18 part	4.00	Panchyat Rakhi Khas.	
142/23 part	4.00	Panchyat, Rakhi Khas.	
142/24	8.00	Panchyat, Rakhi Khas.	
145/3 part	4.00	Panchyat, Rakhi Khas.	East : Khasra numbers 256 part, 146/15, 146/18 part.
145/4	8.00	Panchyat, Rakhi Khas.	
145/7 part	6.00	Panchyat, Rakhi Khas.	
145/8 part	2.00	Panchyat, Rakhi Khas.	South : Khasra numbers 146/17/146/18 Part, 146/21, 22, 23, 145/25, 14 and 7 (part, 8 part).
246	48.00	Panchyat, Rakhi Khas.	
248	40.00	Panchyat Rakhi Khas.	
250	16.00	Panchyat, Rakhi Khas.	
251	16.00	Panchyat, Rakhi Khas.	
256 part	68.00	Panchyat Rakhi Khas Abadi Deh.	West : Khasra numbers 145/3 Part, 145/7, 8-Part, 142/18 part, 142/23-Part 259 (part) 145/14, 145/17.
259 part	5.16	Panchyat Rakhi Khas.	
146/14	8.00	Panchyat Rakhi Khas.	
146/18 part	4.00	Panchyat Rakhi Khas.	
146/19	8.00	Panchyat Rakhi Khas.	
146/20	8.00	Panchyat Rakhi Khas.	
	33.14		
	acres		

नागरिक पूर्ति, उपभोक्ता माम और सार्वजनिक
वितरण मंत्रालय]

नई दिल्ली, 9 सितम्बर, 1996

का.प्र. 2744.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, नागरिक पूर्ति, उपभोक्ता, मामले और सार्वजनिक वितरण मंत्रालय के अधीन भारतीय मानक ब्यूरो, नई दिल्ली के पुणे स्थित निरीक्षण कार्यालय को जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है।

[संख्या : ई-11012/6/96-हिन्दी]

राम तिलक पाण्डेय, निदेशक

MINISTRY OF HEALTH & FAMILY WELFARE

AND PUBLIC DISTRIBUTION

New Delhi, the 9th September, 1996

S.O. 2744.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (use for official purposes of the union) Rules, 1976, the Central Government hereby notifies the Inspection Office, Pune of Bureau of Indian Standards, New Delhi under the Ministry of Civil Supplies, Consumer Affairs and Public Distribution, where more than 80 per cent of the staff have acquired working knowledge of Hindi.

[No. E-11012/6/96-Hindi]

R. T. PANDEY Director

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 28 अगस्त, 1996

का.प्र. 2745.—केन्द्र सरकार भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की

उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय चिकित्सा परिषद् के साथ परामर्श करने के पश्चात् एतद्वारा उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची में "राष्ट्रीय परीक्षा बोर्ड, नई दिल्ली" से सम्बन्धित प्रविष्टियों के बाध निम्नलिखित प्रविष्टियां समाविष्ट की जाएंगी, अर्थात् :—

विश्वविद्यालय अथवा चिकित्सा संस्थान	मान्यताप्राप्त चिकित्सा अर्हता	पंजीकरण हेतु संक्षेपण
"राष्ट्रीय मानसिक स्वास्थ्य और तंत्रिका विज्ञान संस्थान, बंगलूर	डा. ऑफ मेडिसिन (तंत्रिका विज्ञान) मिजिस्ट्रार चिरार्जी (तंत्रिका शल्य चिकित्सा) डा. ऑफ मेडिसिन (मनोवैज्ञानिक चिकित्सा) मनोवैज्ञानिक चिकित्सा में डिप्लोमा	डी.एम. (तंत्रिका विज्ञान) एम.सी.एच. (तंत्रिका शल्य चिकित्सा) एम.डी. (मनो- वैज्ञानिक चिकित्सा) डी.पी.एम. "

MINISTRY OF HEALTH & FAMILY WELFARE

(Department of Health)

New Delhi, the 28th August, 1996

S.O. 2745.—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said Schedule, after the entries relating to the "National Board of Examinations, New Delhi", the following entries shall be inserted, namely :—

University or medical Institution	Recognised medical qualification	Abbreviation for registration
1	2	3
"National Institute of Mental Health and Neuro Sciences, Bangalore	Doctor of Medicine (Neurology). Magister Chirurgies (Neuro-Surgery) Doctor of Medicine (Psychological Medicine). Diploma in Psychological Medicine	D.M. (Neurology) M. Ch. (Neuro-Surgery). M.D. (Psychological Medicine). D.P.M.,

[No. V.11015/1/95-ME(UG)]
S. K. MISHRA, Desk Officer

श्रम मंत्रालय

नई दिल्ली, 28 अगस्त, 1996

का.प्रा. 2746:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी० सी० एल० के प्रबंधनतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निहित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद न. 1 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-96 को प्राप्त हुआ था।

[संख्या एल-20012/328/94-आई आर (सी-1)]

ब्रज मोहन, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 28th August, 1996

S.O. 2746.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Dhanbad No. 1 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.C. Ltd. and their workmen, which was received by the Central Government on 23-8-96.

[No. L-22012/328/94-IR(C-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d)(2-A) of the Industrial Disputes Act, 1947.

Reference No. 107 of 1995

PARTIES :

Employers in relation to the management of Kedla Open Cast Project of C.C. Ltd.

AND

Their Workmen

PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : Shri M. K. Sengupta, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, the 16th August, 1996.

AWARD

By Order No. L-20012(328)/94-IR. (Coal-I) dated 25-8-95 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Kedla Open Cast Project of C.C. Ltd. P.O. Kedla, Distt. Hazari-bagh in superannuating Shri Sita Ram Nodia w.e.f. 8-5-94 on the basis of date of birth in Form 'B' Register and not referring him to Apex Medical Board in view of different date of birth recorded in CMPF records is justified? If not, to what relief, the workman is entitled?"

2. The order of reference was received in this Tribunal on 25-8-95. Thereafter notices were issued to the parties for taking steps. Written Statement on behalf of the workmen was filed on 19-9-95 and the management filed their written statement-cum-rejoinder on 12-7-96.

3. On 16-8-96 a petition is filed on behalf of the workmen stating therein that since the dispute is going to be resolved by amicable settlement the workman is not interested to proceed with the case further.

4. In such circumstances, I pass a 'no dispute' award in the present industrial dispute.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 28 अगस्त, 1996.

का.प्रा. 2747:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण केन्द्रीय सरकार मैसर्स बी० सी० सी० एल० के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निहित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद न. 1 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-96 को प्राप्त हुआ था।

[संख्या एल-20012/371/94-आई आर (सी-1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 28th August, 1996

S.O. 2747 —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Dhanbad No. 1 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C. Ltd. and their workmen, which was received by the Central Government on 26-8-96.

[No. L-20012/371/94-IR(C-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Sec. 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

Reference No. 112 of 1995

PARTIES :

Employers in relation to the management of Moonidih Project of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

APPEARANCES :

For the Employers : Shri S. Jha, Dy. C.P.M. (IR), Moonidih Area of M/s. BCCL.

For the Workmen : Shri Rajendra Ram Area President, KIMP, Moonidih Area.

STATE : Bihar

INDUSTRY : Coal

Dated, the 19th August, 1996

AWARD

By Order No. L-20012/371/94-IR. (Coal-I) dated 5-9-95 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) and sub-section (2A) of Section 10 of the Industrial Disputes

Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Moonidih Coal Washery of M/s. BCCL in denial of regularisation as Fitter/Operator Helper to Shri Md. Ramjan Ansari (Card No. 660) and Shri Tuls Pandey (Card No. 649) and payment of Cat. II wages to them is justified ? If not, to what relief these workmen are entitled and from which date ?"

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in this Tribunal. I have gone through the terms of settlement and I find them quite fair and reasonable. I allow the prayer, and pass an award in terms of the settlement. The memorandum of settlement shall form part of this award.

3. Let a copy of this award be sent to the Ministry as required under Section 15 of the Industrial Disputes Act, 1947.

TARKESHWAR PRASAD, Presiding Officer
BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT, INDUSTRIAL TRIBUNAL NO. I
DHANBAD

Reference No. 112/95

Employers in relation to the management of Moonidih Project of M/s. Bharat Coking Coal Limited.

AND

Their Workmen

PETITION OF COMPROMISE

The humble petition on behalf of the parties to the above reference most respectfully sheweth :—

1. That the Central Government by notification No. L-20012/371/94/IR (Coal-I) dated 5-9-95 was pleased to refer the present case to the Hon'ble Tribunal for adjudication on the issue contained in the Schedule of reference which are produced below :

THE SCHEDULE

"Whether the action of the management of Moonidih Coal Washery of M/s. BCCL in denial of regularisation as Fitter/Operator Helper to Shri Md. Ramjan Ansari (Card No. 660) and Shri Tuls Pandey (Card No. 649) and payment of Cat-II wages to them is justified ? If not, to what relief these workmen are entitled and from which date ?"

2. That the above dispute has been amicably settled between the parties on the following Terms.

Terms of Settlement

That the concerned workman, Shri Ramjan Ansari and Shri Tuls Pandey will be placed in Cat-II w.e.f. 1-7-91 & 1-7-93 as Fitter/Operator Helper (1-7-93) respectively, the dates on which they had been up-graded under service link-up graduation scheme. They will not demand and will not be paid any back wages which may accrue out of the above settlement. However they will be entitled for incremental benefit at the time of fixation of the basic pay from above dates.

3. That in view of the aforesaid settlement there remains nothing to be adjudicated in the above dispute.

Under the facts and circumstances stated above, the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased to pass the Award in terms of the settlement.

For the Workmen

1. RAJENDRA RAM,
Area President, KIMP
Moonidih Area

For the Employers
(S: JHA)
Dy. C. P.M. (IR)
Moonidih Area

Witnesses

(i) Md. Ramjan Ansari
2. Tuls Pandey

नई दिल्ली, 28 अगस्त, 1996

का. मा. 2748:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा क्यू. एस. एण्ड के. के. कंपनी के प्रबंध-तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद नं. 1 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-96 को प्राप्त हुआ था।

[संख्या एल. 20012/73/90-आई आर (सी-1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 28th August, 1996

S.O. 2748.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Dhanbad No. I as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of RQS&K Company and their workmen, which was received by the Central Government on 26-8-96.

[No. L-20012/73/90-IR(C-1)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1)(d)(2A)
of Industrial Disputes Act, 1947

Reference No. 186 of 1990

PARTIES :

Employers in relation to the management of Rajmahal
Quartz-Sand and Kaolin Company.

AND

Their Workmen.

PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

APPEARANCES :

For the Employers : Shri B. B. Pandey, Advocate.

For the Workmen : Shri D. K. Verma, Advocate.

STATE : Bihar.

INDUSTRY : China Clay.

Dated, the 19th August, 1996

AWARD

By Order No. L-20012(73)/90-I.R. (Coal-I) dated 20-8-90 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of M/s. R.Q.S. and K. Company in terminating the services of Shri Ram Das Mondal, Driver, Shri Arjun Mandal, Night Guard, Shri Bishwanath Mondal, Night Guard and Shri Panchu Yadav, Night Guard is justified ? If not, that to what relief the workmen are entitled to ?"

2. The Written Statement filed by the concerned workmen where Kam Das Mondal has been shown as Driver and rest three workmen as Night Guard as permanent employees of M/s. Rajmahal Quarries and Kaolin Company Limited which works for clay engaged in mining of China Clay and that the workmen worked from 1979 to 1983. It is said that thereafter their services were terminated without giving any notice or any show cause as they did not commit any mistake and it comes under retrenchment of the workmen from the services covered under section 25F of the I.D. Act. No notice or retrenchment compensation were given to the workmen prior to termination of their services which is quite illegal and unjustified. Hence they have prayed for an award in the form of reinstatement of their services with full back wages and other benefits.

3. I find that the management appeared in this reference and filed Written Statement-cum-Rejoinder stating, inter-alia that the concerned workmen were never workmen of this management and there was never any relationship of employer and workmen between them and this dispute is not valid at all and not maintainable. It is also said that the reference is also bad in law as there is misjoinder of the party and the concerned workmen are strangers to the employer and they are not entitled any relief as claimed.

4. A rejoinder has also been given to the points raised by the concerned workmen in their written statement and that has been denied parawise or it has been said to be false, baseless and irrelevant. It is finally said that the concerned workmen are not entitled to any relief from the present employer and award be passed accordingly.

5. I further find that a rejoinder has also been filed by the workmen to the written statement of the employer stating, inter-alia, that the statement made by the employer is not correct parawise and there is no merit in the written statement filed by the management. It is also said that the concerned workmen were permanent employees of the management and they are entitled an award in their favour.

6. As per terms of reference and the points taken by the workmen and the employer in their respective written statement, the point to be considered in this reference is (a) whether or not the action of the management was justified in terminating the services of the concerned workmen; and (b) if not, what reliefs are to be given to the workmen.

7. Both the points are taken together for consideration as these are inter-linked. I further find that two witnesses have been examined by the management, namely, MW-1 Binod Kumar Jha and MW-2 Rup Kumar Das, who are the Constituted Attorney of the management and an employee of the Maintenance Section of the management. MW-1 has categorically said that none of the four concerned workmen were ever employees of the company nor did they work in the company at any time and there was no question of termination of their services. He has further stated that Form 'B' Register is maintained in the company as well Attendance Register and there is no name of these concerned workmen in Form 'B' Register which is Ext. W-1. He has also denied that the concerned workmen worked from 1980 to 1983 in the company and thereafter they were retrenched without giving any notice or reason. Similarly MW-2 has stated that he has joined the Company in the year 1983 as Maintenance Incharge and he was given appointment letter and Identity Card. Form 'B' Register has also been maintained which is Ext. M-1 and he has also proved another Form 'B' Register of the company which is Ext. M-1/1 and presently there are 400 employees in the company. However, he has admitted that there is no certificate given on this register except from the office of the Director General of Mines Safety relating to the inspection of such register. He has denied that these registers are manufactured for the purpose of this case. He has further stated that he could not say as to who worked prior to 1983 in the company, but has denied that these concerned workmen were working in the company prior to 1983 and they were terminated from services without giving notice or giving any compensation to them.

8. Similarly two witnesses have been examined on behalf of the workmen, namely, Dukhu Rai (WW1) and Lashi Mondal (WW-2), both of them were employed in the year 1977 and 1974 respectively as labourers. They have claimed

that the concerned workmen were working as Driver and Night Guards and were retrenched from service without any notice or compensation. They have denied the suggestion that none of the concerned workmen ever worked in the company and that they are not entitled to any relief as claimed. However, WW-1 has admitted that he was given appointment letter in the year 1977. WW-2 has admitted that he got appointment letter in the year 1984 and Identity Card also was given to him and he could produce the same, in the Court. He has further admitted that they used to live in the village and the concerned workmen were from his neighbouring village and that he too denied that the concerned workmen never worked in the Company. There is no other witness examined on behalf of the workmen and none of the concerned workmen have come before the Court to substantiate their contentions as raised by the sponsoring union.

9. Some documents have also been filed and Exts. M-1 and M-1/1 are two Form 'B' Registers produced on behalf of the management whereas Ext. W-1 is signature on the Agreement dated 16-6-90 and Ext. W-2 is C.C. of Judgement in G.R. 384/82. Ext. W-3 is C.C. of Complaint Case filed by one Subodh Kumar Lakra in the Court of Sri S. P. Shukla, S. J. Magistrate, 1st Class, Rajmahal, S. P. and Ext. W-4 is C.C. of F.I.R. of Rajmahal P.S. Case No. 179 dated 30-9-82. I find that Ext. W-2 relates to Ext. W-3 a Complaint case filed by Subodh Kumar Lakra in which there were 13 accused Nishal Singh and others who are facing for 144, 379 and 380 I.P.C. and they were accused from the case and also discharged from bail bond. There are two accused Arjun Mondal and Panchu Yadav about whom it is said that they are concerned workmen. But name of Panchu Mandal is not mentioned in the Complaint petition (Ext. W-3) although there is one Feku Mandal son of Panchu Mandal and so far Ext. W-4 C.C. of F.I.R. is concerned I find that Arjun Mandal and Panchu Yadav are mentioned as accused in the case but what happened to this case is not clear as no copy of F.F./Charge-sheet or judgement or ordersheet has been filed to show the actual fate of the case.

10. It has been argued on behalf of the management that the concerned workmen were never employed by the management nor did they ever worked for the management company nor their names find mentioned in Form 'B' Registers Ext. M-1 and M-1/1 nor they could produce their Identity Cards or appointment letters or Provident Fund Number to show that actually they had worked for the company. Two witnesses have been examined on behalf of the workmen who have admitted that they have got their appointment letters and Identity Cards and their names were mentioned in the Form 'B' Register. It is also submitted that not even parentage and address of the concerned workmen have been given in the reference or in the written statement and rejoinder filed on their behalf or not in the evidence of two witnesses examined on their behalf. So only names of Arjun Mandal and Panchu Yadav find place in the judgement Ext. W-2 which is based on a private complaint filed by one Subodh Kumar Lakra of village Maklani, P.S. Rajmahal, S.P. that could be said that these accused Arjun Mandal and Panchu Yadav are the concerned workmen in this reference. It is also submitted that it is surprising that none of the four concerned workmen thought it fit to come before the Court to adduce evidence in support of their case as they were afraid of the fact that if they would come in the dock the truth would come in the light and they could not support their false claim that they ever worked with the management-company. It is also submitted that as these workmen never worked in the company so there was no question of giving any notice of retrenchment compensation as claimed by the sponsoring union/workmen.

11. On the other hand, it has been argued on behalf of the sponsoring union/concerned workmen that they had worked in the Company from the year 1979 to 1983 and this fact has been supported by oral evidence given by the witnesses, WW-1 and WW-2 co-workers. It is also submitted that no appointment letter or Identity Card was issued to them and all on a sudden their services were terminated without giving any notice or pay benefit as provided under Section 25F of the Industrial Disputes Act. It is also submitted that from exhibits filed by the workmen particularly Ext. W-2 judgement and Ext. W-3 C.C. of Complaint petition it is clear that these

workmen were accused in criminal case where they were shown as Night Guards working in the Company, R.Q.S.&K. Rajmahal which stands for the present management. It is also submitted that from Ext. W-1 signature of the management's representative has been proved it is clear that it was agreed upon that Ram Das Mondal would be taken after arrival of another Dumper in the Company.

12. However, it has been submitted on behalf of the management that entire so-called agreement has not been proved as exhibit and simply signature of the company's representative has been proved vide Ext. W-1. It is also submitted that this so-called agreement is fabricated document and nor it is in Form 'H' nor a copy of the same has been given to the Assistant Labour Commissioner (C) for information and action. Any such agreement must have been made on Form 'H' which is not this exhibit and no reliance can be placed on this document. Moreover, it is pointed out that only the name of Ram Das Mandal as one of the concerned workmen appears in this document and there is no mention of rest three workmen who have claimed themselves to be Night Guards and there is nothing mention about them in this so-called agreement. It is further pointed out that here also the parentage and address of Ram Das Mandal has been given nor the same has been given in the written statement to make comparison that said Ram Das Mandal is one and the same person, the concerned workman No. 1.

13. I further find that the sponsoring union has submitted that the concerned workmen were permanent employees of the management-company and their services were terminated in the year 1983 without any notice or any pay benefit as per provision of Section 25F of the Industrial Disputes Act and they being permanent employees of the management-company are entitled for regularisation as claimed and award be passed for reinstatement of their services with full back wages and other benefits.

14. It has been clearly pointed out on behalf of the management that there is nothing to show that the concerned workman ever worked in the management-company and had they worked their names and address must have been mentioned in Form 'B' Register which has been produced in this Tribunal or if they were permanent employees as claimed by them they must have been given appointment letters and Identity Cards as given to other two co-workers WW-1 and WW-2 examined on behalf of the concerned workmen. I also find much force in the plea taken on behalf of the management and non-appearance of any of the concerned workman before this Tribunal in support of their case, reliance can be taken on the plea of the management that these concerned workmen are fake workers and out of fear they did not come before the Tribunal so that the truth may not come from their mouth in course of their cross-examination and the management could not get chance to test their veracity by way of their cross-examination on oath in the Tribunal and this clearly goes against the workmen/sponsoring Union.

15. In view of the above discussions I do not find any merit in the plea taken on behalf of the concerned workmen/union that the concerned workmen were permanent employees of the management-company and they were entitled for their reinstatement in service with full back wages and other benefits. Accordingly, both the points are replied against the concerned workmen and they are not entitled to any relief/reliefs as claimed.

16. In the result I hold that the action of the management of M/s. R.Q.S.&K. Company in terminating the services of Shri Ram Das Mondal, Driver, Shri Arjun Mondal, Night Guard, Shri Bishwanath Mondal, Night Guard and Shri Panchu Yadav, Night Guard is justified and the concerned workmen are not entitled to any relief/reliefs as claimed.

In the circumstances of the case, there will be no order as to the cost.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 28 अगस्त, 1996

का. आ. 2749 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी सी सी एल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद न. 1 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-8-96 को प्राप्त हुआ था।

[संख्या एल.-20012/13/91-आई आर (सी-1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 28th August, 1996

S.O. 2749.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Dhanbad No. 1 as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. B.C.C. Ltd. and their workmen, which was received by the Central Government on 27-8-1996.

[No. L-20012/13/91-IR (C-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1)(d) (2-A) of the

Industrial Disputes Act, 1947

Reference No. 71 of 1991

PARTIES :

Employers in relation to Kendwadiah Auto Workshop of P.B. Area of B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

APPEARANCES :

For the Employers—Shri H. Nath, Advocate.

For the Workmen—Shri S. C. Gour, Vice-President.

STATE : Bihar

INDUSTRY : Coal

Dated, the 22nd August, 1996

AWARD

By Order No. L-20012/13/91-IR (Coal-I) dated 'Nil' the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the demand of National Coal Workers Congress for promotion of Shri Bansidhar Singh, Asstt. Foreman in technical supervisory Gr. 'C' Kenduadih Auto Workshop of M/s. BCCL to the post of Foreman/Supervisor (Auto) technical Gr. 'B' with effect from 16-12-86 is justified? If so to what relief the workman is entitled?"

2. The order of reference was received in this Tribunal on 30-7-1991. Thereafter notices were issued to the parties to file their respective written statements and rejoinders.

Accordingly, both the parties filed their written statements and rejoinders. Thereafter the case was fixed for hearing.

3. Today i.e. 22-8-96 a petition is filed by the Vice-President of the sponsoring Union with a copy to other side, stating therein that the sponsoring union does not want to pursue the present reference case.

4. In such circumstances, I pass a 'no dispute' award in the present industrial dispute.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 28 अगस्त, 1996

का. आ. 2750 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयर इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में, निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-96 को प्राप्त हुआ था।

[संख्या एल-11012/13/89-आई आर (वि)/आई आर (सी-1)]

ब्राज मोहन, डेस्क अधिकारी

New Delhi, the 28th August, 1996

S.O. 2750.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the management of Air India and their workmen, which was received by the Central Government on 23-8-1996.

[No. L-11012/13/89-IR (Misc.)/IR (C-1)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 26/1990

In the matter of dispute :

BETWEEN

Shri Mohan Lal, Office Asstt.
represented by the Asstt. Secretary,
Air Corporation Employees Union,
Jeevan Bharti Building,
C/o Air India Booking Office,
New Delhi-110001.

Versus

The Personnel Manager, Air India,
Himalaya House, 23, K.G. Marg,
New Delhi-110001.

APPEARANCES :

Shri Ashok Arya—for the workman.

Shri Sanjay Sharma—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Orders No. L-11012/13/89-IR (Misc.) dated nil, 1990 has

referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Air India, New Delhi, in not giving promotion to Shri Mohan Lal, Office Assistant, w.e.f. 1-7-81 on supernumerary basis, while giving promotion to Shri C. S. Mehra, Office Assistant w.e.f. 1-6-80 on supernumerary basis was justified? If not, what relief is the workman entitled to?"

2. The workman concerned, Shri Mohan Lal, joined Air India as a Typist/Clerk w.e.f. 28-11-75 and was posted in the Stores and Purchase Department at Delhi. He belongs to Schedule Caste community.

3. In his statement of claim, the workman has stated that one post of Office Assistant was created on the standard force of Stores and Purchase Department of Air India in the month of June 1981 and Shri C. S. Mehra was promoted against the same vide letter No. EMP-1/PROM/13011 dated 1-12-81. Shri C. S. Mehra was senior to the workman and also belongs to Schedule Caste community. The said post of Office Assistant was created in the Stores and Purchase Department of Air India on the recommendations of the Committee consisting of Mr M. K. Karmakar, Senior Deputy Controller of Stores and Purchases and Shri H. K. Gupta, Chief Establishment Manager, Head Quarters by abolishing the existing post of a Clerk, which decision was communicated to the Controller of Stores and Purchase, Santa Cruz, vide Head Office letter No. HQ/50-13/2349 dated 10/12-6-81.

4. It is averred by the workman that on creation of one more post of Office Assistant by abolishing the existing post of Clerk in the month of June, 1981 as per recommendations of the Committee mentioned above, the strength of the Office Assistant in Stores and Purchase Department, Air India, New Delhi, increased to two. Out of these two posts, one was filled up by promotion of Mr. C. S. Mehra w.e.f. 1-6-80 and one post was to be filled up by promoting the senior-most Typist/Clerk in Stores and Purchase Department at New Delhi, i.e., the workman concerned. He has been declined the same by the management on the plea that the promotion of Shri C. S. Mehra has since been done on supernumerary basis subject to adjustment on regular post in future as per understanding arrived at with the Union, the said Shri Mehra has been adjusted against the same.

5. The contention of the workman is that the plea of supernumerary promotion, as alleged, is after thought and intended to deprive him of his promotion. He has further contended that the so called understanding arrived at with the Union is not a valid agreement under the I. D. Act, 1947 and is not binding. He has thus claimed his promotion to the post of Office Assistant w.e.f. 1-7-81.

6. The management has denied all allegations and contentions of the workman.

7. The plea of the management is that there was only one post of Office Assistant against which Shri C. S. Mehra who had been promoted on the post of Office Assistant on supernumerary basis, had been adjusted on the strength of understanding arrived at with the Union, which was being followed for the last so many years. It is further averred by the management that Shri Mohan Lal has already been promoted, as Office Assistant, w.e.f. 1-10-83. It is stated by the management that the workman concerned is not entitled to be promoted w.e.f. 1-7-81 as Office Assistant as claimed.

8 The workman has filed 9 documents, while the management has filed 11 documents, as per Annexure-A collectively.

9. Shri D. S. Kohli, Deputy Personnel Manager, has been examined as MW-1, while Shri Radhey Shyam, Secretary of Ail Corporation Scheduled Caste/Scheduled Tribe Employees Association, Delhi Region, has been examined as WW-1.

10. I have heard the representatives for the parties and have gone through the evidence on record.

11. The workman has filed certain documents with his statement of claim Annexure-A is a letter dated 1-12-81,

issued by Deputy Personnel Manager, Air India, By this letter, Shri C. S. Mehra, Typist/Clerk, Stores Department, Delhi, was promoted as Office Assistant in the Stores Department at Delhi w.e.f. 1-11-81 on probation of 6 months. Annexure 'D' is a letter dated 11-3-1983. By this letter, the said Shri Mehra was given promotion as Office Assistant in the Stores and Purchase Department w.e.f. 1-6-80. The said letter also discloses that he had been deemed confirmed as Office Assistant w.e.f. 1-12-80. Then there is a letter dated 6-5-83 (Annexure-F to the statement of claim) written to Controller of Stores and Purchases Santacruz, by the Supplies Manager, Air India New Delhi, forwarding workman's representation dated 5-5-83, for favourable decision.

12. The letter dated 1-12-81 referred to hereinabove, does not mention that the said Shri Mehra had been promoted on supernumerary basis, subject to adjustment of standard force vacancy of Office Assistant in future.

13. There is a letter dated 10/12-6-1981 from the Chief Establishment Manager, Headquarters, to Controller of Stores and Purchases, Santa Cruz, which shows creation of a post of Office Assistant in Delhi Purchase Office by abolishing existing post of Clerk. This fact has also not been denied by either of the parties in the present case.

14. Now from the documents referred to hereinabove, it is clear that the promotion of Shri C. S. Mehra as Office Assistant made w.e.f. 1-6-80 was not on supernumerary basis subject to adjustment against future vacancy and the workman concerned ultimately, being senior most next to the said Shri C. S. Mehra, was entitled to be promoted as Office Assistant in the vacancy created and approved as is mentioned in the letter dated 10/12-6-1981, denial of which, is, of course, discriminatory and unjustified.

15. Hence, held that the action of the management of Air India, New Delhi in not giving promotion to Shri Mohan Lal, Office Assistant on the vacancy of Office Assistant created on the Standard Force of Stores and Purchase Department of Air India in June, 1981, w.e.f. 1-7-81, is not justified. As a result, the workman concerned is entitled to his promotion as Office Assistant w.e.f. 1-7-81 with all consequential benefits, which would have accrued to him, had he been promoted.

16. Award is given accordingly.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 28 अगस्त, 1996

का. भा. 2751.- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयर इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंच-पट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-96 को प्राप्त हुआ था।

[संख्या एल-11012/9/93-आई आर (वि) आई आर (सी-1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 28th August, 1996

S.O. 2751.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Air India and their workmen, which was received by the Central Government on 26-8-1996.

[No. L-11012/9/93-IR (Misc.)IR (C-1)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT LABOUR COURT, NEW DELHI

I. D. No. 94/95

In the matter of dispute :

BETWEEN

Shri Ramesh Kumar S/o Shri Suresh Singh, Central Circular Wing, Central Hall ke peeche Tis Hazari Court, Delhi-54.

Versus

Zonal Manager, Air India Ltd.
I.G.I. Airport, New Delhi.

APPEARANCES :

None—for the Workman.
Miss Leena Sharma—for the Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-11012/7/92-IR (Vividh) Col. 17 dated 30-10-95 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of erstwhile Air India now Air India Ltd., New Delhi was justified in dismissing Shri Ramesh Kumar S/o Shri Suresh Kumar, Cleaner w.e.f. 16-12-91 ? If not, what relief is the workman entitled to ?"

2. The workman in this case never appeared in the Court in spite of money notices having been sent in the ordinary way as well as by registered post. Ms. Leena Sharma had appeared on behalf of the Management. It appears that the workman is not interested in continuing with this dispute. No evidence has been produced by the Management. In view of the non-appearances of the workman. No dispute award is given in this case leaving the parties to bear their own costs.

Dated : 8th July, 1996

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 9 सितम्बर, 1996

का. भा. 2752.- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंद्रा बंस जोरा कोलियरी ऑफ मैसर्स बी. सी. सी. एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1 धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-96 को प्राप्त हुआ था।

[संख्या एल 20012/143/88-आई. आर (कोल 1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 9th September, 1996

S.O. 2752.—In pursuance of Section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Sendra Bansjora Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 30-8-1996.

[No. L-20012/143/88-IR (Coal-I)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947

Reference No. 171 of 1989

PARTIES :

Employers in relation to the management of Sendra Bansjora Colliery of M/s. BCCL.

AND

Their Workmen.

PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri B. K. Ghosh. Member Executive Committee, J.M.S.

STATE : Bihar

INDUSTRY : Coal

Dated, the 23rd August, 1996

AWARD

By Order No. L-20012/143/88-IR (Coal-I) dated, the 15th November, 1989, the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Sendra Bansjora Colliery in removing from services of S/Shri Jyoti Rai and Jageshwar Bhuiya from 20-10-83 without assigning any reason is justified? If not, to what relief are the workmen entitled?"

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in this Tribunal. I have gone through the terms of settlement and I find them quite fair and reasonable. I allow the prayer and pass an award in terms of the settlement. The memorandum of settlement shall form part of this award.

3. Let a copy of this award be sent to the Ministry as required under Section 15 of the Industrial Disputes Act, 1947.

TARKESHWAR PRASAD, Presiding Officer
BEFORE THE PRESIDING OFFICER CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL NO. I
DHANBAD

Ref. Case No. 171/89

Employers in relation to the management of Sendra Bansjora Colliery of M/s. BCCL.

AND

Their workman.

The humble petition of compromise on behalf of the parties most respectfully sheweth :—

- (1) That the Central Government by a notification No. L-20012/143/88-IR (Coal-I) dated 15-11-89 has referred under Section 10 of the Industrial Disputes Act 1947 for adjudication in the matter quoted in the following Schedule :—

SCHEDULE

"Whether the action of the management of Sendra Bansjora Colliery in removing from services of S/Shri Jyoti Roy and Jageshwar Bhuiya from 20-10-83 without assigning any reason is justified? If not, to what relief are the workmen entitled?"

- (2) That the parties discussed the dispute out side the Court and have settled the dispute on the following terms and conditions :—

TERMS AND CONDITIONS

- (a) That S/Sri Jyoti Roy and Jageshwar Bhuiya will be re-appointed if they satisfy the condition that they are the genuine persons and their identity is proved genuine beyond any shadow of doubt.
- (b) That neither any back wages nor the continuity of service will be provided to S/Sri Jyoti Roy and Jageshwar Bhuiya.
- (c) That this settlement resolves all the dispute whatsoever.
- (d) That it was also agreed that seven copies of this settlement will be filed before the Hon'ble Tribunal and Hon'ble Tribunal may be requested to give an award in terms of settlement.

It is therefore, prayed that your honour may graciously be pleased to accept this settlement and pass an Award in terms of settlement.

And for this act of kindness the parties shall ever pray.
Representing Union :

- (1) Sd/-
(2) Sd/-
(3) Sd/-

Representing management :

- (1) Sd/-
(2) Sd/-
(3) Sd/-
(4) Sd/-

Witnesses :

- (1) Sd/-
(2) Sd/-

Advocate : Sd/-

नई दिल्ली, 9 सितम्बर, 1996

का.प्रा. 2753.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स स्वास्तिक इंटरप्राइजेज तथा कर्मचारी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2 मुंबई के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार को 29-8-96 को प्राप्त हुआ था।

[संख्या एल-20040/83/94-प्रार.प्रार. (कोल 17)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 9th September, 1996

S.O. 2753.—in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Swastik Enterprises and their workmen, which was received by the Central Government on 29-8-1996.

[No. L-20040/83/94-IR (Coal-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.
Reference No. CGIT-2/32 of 1995Employers in relation to the management of M/s. Swastik
Enterprises

AND

Their workmen.

APPEARANCES :

For the Management No. 1—No Appearance.

For the Management No. 2—Mr. G. D. Talreja Advocate.

For the Workmen—Mr. S. R. Wagh Advocate.

Mumbai, the 19th August, 1996

AWARD

The Government of India, Ministry of Labour by its Order No. L-20040/83/94-IR (Coal-I) dated 30-11-95 has referred to the following industrial dispute for adjudication.

"Whether the action of the management of M/s. Swastik Enterprises, Contractor of ONGC Ltd., in not accepting the Charter of demands served by the Union is justified or not? What relief should be granted?"

2. The General Secretary, Transport and Dock Workers union, Mumbai filed a statement of claim at Exhibit-4. It is averred that Oil and Natural Gas Commission Ltd., (hereinafter called as ONGC) conducts its business of exploring and extracting oil from the sea belt in vicinity of Mumbai. It employed several contractors to perform different types of work. M/s. Swastik Enterprises is one such contractor. The contractor has to fulfill its contractual obligations and employ workmen. The contract is for opening lifts at ONGC Ltd. offices, Vansundhara Bhavan Mumbai. The workmen are lift operators.

3. It is averred that the service conditions of the workmen employed by the contractor are very poor and unsatisfactory. They are deprived of the benefits which they are entitled under the different terms. The union in order to improve the service conditions of the workmen served charter of demands on the contractor and ONGC Ltd. to which the contractor did not pay any attention. Even the principal employer remained silent spectator. It is therefore, the union by its demand letter dated 12th July, 1993 addressed a copy to the Assistant Labour Commissioner to the contractor and ONGC Ltd. It requested for admitting the charter of demands in conciliation. There were specific demands in the Charter of demands. It is averred that the unions demands are just and proper. It may be awarded as prayed.

4. Swastik Enterprises the contractor of ONGC Ltd remained absent throughout.

5. The ONGC filed a written statement at Exhibit-6. It need not deal in detail with the written statement because today the Joint Secretary of the Transport and Dock Worker Union Mumbai, filed a surshis (Exhibit-7) stating that the contractor M/s Swastik Enterprises Company has complied with the demands covered in the reference. Therefore, the union pressed that the reference may please be disposed off accordingly. There is no objection of ONGC to dispose off the reference to that effect.

6. In view of the surshis Exhibit-7 and No Objection from ONGC I pass the following order :

ORDER

The reference is disposed off for want of prosecution.

S. B. PANSE, Presiding Officer

CGIT-2/96—7.

नई दिल्ली, 9 सितम्बर, 1996

का.आ. 2754.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयर इंडिया मुम्बई एण्ड कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2 मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-96 को प्राप्त हुआ था।

संख्या एल-11012/2/94-आई आर. (मिस.) (कोल-1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 9th September, 1996

S.O. 2754 —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Mumbai as shown in the Annexure in the industrial dispute between the employers in relation to the management of Air India Mumbai and their workmen, which was received by the Central Government on 3-9-1996.

[No. L-11012/2/94-IR (Misc)/(Coal-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, MUMBAI

Present :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/19 OF 1995

Employers in relation to the management of Air India
Mumbai

AND

Their Workmen

Appearances :

For the Management : Mrs. P. A. Kulkarni, Advocate.

For the Workmen : Mr. S. S. Chauhal, Advocate.

Mumbai, dated 22nd August, 1996

AWARD

The Government of India, Ministry of Labour by its order No. L-11012/2/94. IR(Misc) dated 23-9-95, had referred to the following Industrial Dispute for adjudication.

"Whether the action of the management of Air India in terminating the services of Mr. Avilas Arjun Parkar. Temporary Casual Labour w.c.f. 14-5-92 is legal and justified? If not, what relief the concerned workman is entitled to?"

2. Avilas Arjun Parkar, the worker pleaded that he was appointed by Air India as a loader between 21-1-88 to 14-5-88, thereafter as a neon between 12-10-89 to 18-2-90. He asserted that thereafter a call letter dated 2-5-92, he was called to work as a loader for the period from 7-5-92 to 25-7-92. But his services were terminated from 13-5-92. It is asserted that the juniors who were engaged along with him were confirmed by the employer but the worker is not given any status of permanent employee and the benefits there on. It is averred that the employer had arbitrarily and illegally terminated his services without complying with the provisions of the Industrial Disputes Act of 1947 (herein after called as an Act) and the provisions of Model Standing order applicable to Air India. It is averred that while terminating the services of the worker the employer has violated the provisions of section 25G of the Act, and Rule 81. The employer

never maintained a seniority list of the temporaries and casual employees employed by them and they are employing persons arbitrarily. It is averred that the High Court of Bombay had directed the employer to make a seniority list and to appoint the employees as per the seniority before appointing anybody else. The worker accepts that he was not a party to the said writ petition. The fact still remains that no such seniority list was prepared by the employer.

3. The worker pleaded that by giving artificial breaks with the intention to deprive the employee the status and benefits of a permanent employee the management is practising unfair labour practice. It is averred that the worker was never paid the retrenchment compensation nor given any notice or notice pay in lieu of the notice to the workman concerned. It is averred that the workman is not entitled to reinstatement in service alongwith backwages and permanency. He also prayed for other reliefs.

4. The management resisted the claim by the written statement Exhibit-4. It is averred that from time to time depending upon the exigencies of the work required persons to work on a casual basis as loader etc. are appointed by the management. They are daily rated employees. The work is offered to them depending upon the work load.

5. The management pleaded that the workman was a casual labourer on day to day basis from 7-5-92 to 12-5-92 i.e. only for six days and was being paid Rs. 61/- per day. It is averred that he had not completed 240 days during the period of 12 months immediately preceeding the alleged date of termination of service. And therefore he is not entitled for retrenchment compensation as contended in the statement of claim. It is asserted that no provisions of retrenchment are applicable to the case of the worker.

6. The management averred that the workman's case is clearly governed by the provisions of section 2(oo)(bb). It is averred that the management employs casual workman for a period of not more than 110 days. It is submitted that one of the condition of that terms of contract is that the employees required to furnish information regarding the provisions of employee and Air India while engaging the casual labour in 1992 the workman deliberately and wilfully did not disclose his previous employment with Air India. It is averred that the Civil Aviation and Tourism Department had already directed Air India to absorption of surplus Vayudot employees as well as to employ persons on deputation working in the I.A.A.I. It is submitted that if at all any vacancies arise the management is required to fill in the same vacancies as per the directions of the Ministry of Civil Aviation and Tourism. The management denied that the worker was ever informed that he will be engaged till 25-7-92. It is asserted that for the above said reasons the worker is not entitled to any of the reliefs.

7. The issues that fall for my consideration and my findings there on are as follows:—

Issues	Findings
1. Whether the action of the management of Air India in terminating the services of Avilas Arjun Parkar, temporary casual labourer w.e.f. 14-5-92 is legal and justified?	No. He was to be employed till 25-7-92.
2. If not, what relief the workman concerned is entitled?	As per final Order.

REASONS

8. Avilas Arjun Parkar (Exhibit-8) affirmed that he worked as a loader between 21st January, 1988 to 14th May, 1988, as a peon between 17th October, 1989 to 18th February, 1990 and again as a loader from 7th May, 1992 to 13th May, 1992. He affirmed that when he was called by a letter dated 2nd May, 1992 he was informed that his appointment will be from 17th May, 1992 to 25th July, 1992. So far as this period is concerned there is no dispute. Nobody entered into the witness box on behalf of the management. It is also not suggested to this witness that when he was appointed on 7th May 1992 he was never issued to work till 25th July, 1992. He therefore accept that Parkar was given a contract to

work as a loader between 7th May, 1992 and 27th May, 1992. But he was terminated on 13th May, 1992. In other words for remaining period he is entitled to daily wages as he used to get between 7th May, 1992 to 13th May, 1992.

9. Even from the admitted position of the working days it is very clear that he did not work for more than 240 days in 12 months immediately preceeding his alleged date of termination. To meet out this case Mr. Chaubal, the Learned Advocate for the worker relied upon the wordings of section 25B(1) of the Act. It reads "For the purposes of this Chapter, a workman shall be said to be in continuous service for a period if he is, for that period in uninterrupted service, including service which may be interrupted on account of sickness or unauthorised leave or an accident or a strike which is not illegal or a lock-out or a cessation of work which is not due to any fault on the part of the workman". As the main contention was on the word cessation of work it is not due to any fault on the part of the worker. He argued that even though the work was available there the management did not allow him to work and the result was there was a cessation of work and not due to the fault of the workman. It is therefore, he could not complete 240 days as contemplated under section 25B of the Act.

10. Mrs. Kulkarni, the Learned Advocate for the management on the other hand submitted that his case does not fall under the perview of retrenchment. According to her as per section 2(oo)(bb) of the Act "retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever otherwise than as a punishment inflicted by way of disciplinary action, but does not include—

- (a) voluntary retirement of the workman; or
- (b) retirement of the workman on reaching the age superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or
- (bb) "termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained there in". According to her on the non-admission of the worker himself he was engaged for a stipulated period i.e. 7th May, 1992 to 25th July, 1992. If that is so his case does not fall in the category of retrenchment. Naturally no provisions of retrenchment are applicable to him. I accept this argument.

11. The Learned Advocate for the worker contended that there is a breach of section 25G of the Act and Rule 81. For the reasons stated above I do not find any merit in it.

12. The Learned Advocate for the worker placed reliance on Sangli Bank of Commerce u/s. Presiding Officer, Central Government Industrial Tribunal 1993 I CLR 205. That was a case where Their Lordships have observed that Provisions of sections 25G and 25H are attracted in cases of termination of service of the workman which amount to retrenchment even if he had worked for 240 days. It is further observed that section 25F confirms certain special rights on retrenched workmen who has worked for not less than 240 days while sections 25G and 25H are general provisions covering all cases of retrenchment. The facts of that case are quite different from the facts before me. It has no relevancy. Mrs. Kulkarni, the Learned Advocate for the management on the other hand placed reliance on Vidva Sagar and Presiding Officer, Labour Court 1996 II LJ 40. In that case the worker was not allowed to work for more than 240 days continuously in a year. His engagement was from 1st April, 1986 to September 12, 1986. His letters of appointment were produced before the Labour Court and the workmen failed to prove anything contrary to the same. In that case there was a letter written by the employer which was a confidential one directing all concerned not to allow the workman to work for 240 days continuously. It is observed there in that the workman is not entitled to any reliefs and termination as in accordance with

law. The ratio in that authority has application to the set of facts. It could be further seen that in *Vijay Godkar v. Indian Airlines Ltd.*, in writ petition No. 139896 of 1996, Their Lordships observed the same thing. In that case also the worker was employed for a particular period like in the present case and then his services were terminated. The termination held to be proper. Here in this case that happened is that instead of 25th July, 1992 his services were terminated on 13th May, 1992. As observed above that termination is not proper but he is entitled to be in service up to 25th July, 1992.

13. It is argued on behalf of the worker that he is entitled to permanency in the job. For the reasons stated above he is not entitled to. But he is entitled to wages only between 14th May, 1992 to 25th July, 1992. In fact Mrs. Kulkarni, the Learned Advocate for the management submitted that at the most the worker will be entitled to wages for this period. This submission appears to be correct.

14. For the above-stated reasons I record my findings on the issues accordingly and pass the following order:

ORDER

The action of the management of Air India in terminating the services of Mr. Avilas Arjun Parkar, temporary casual Labour w.e.f. 14th May, 1992 is not legal and justified.

The worker is entitled to daily wages for the period between 14th May, 1992 to 25th July, 1992.

He is not entitled to reinstatement as claimed.

S. B. PANSE, Presiding Officer

नई दिल्ली, 3 सितम्बर 1996

का.आ. 2755.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता कल्याण बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण मद्रास के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-8-96 को प्राप्त हुआ था।

[संख्या-12012/103/85-आई आर बी आई]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 3rd September 1996

S.O. 2755.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Karur Vysya Bank and their workman, which was received by the Central Government on 29-8-96.

[No. L-12012/103/85-IRBI]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Monday, the 22nd day of July, 1996

PRESENT :

Thiru S. Thangaraj, B.Sc., L.L.B., Industrial Tribunal,
Industrial Dispute No. 47 of 1990

(In the matter of the dispute for adjudication under Section 10(j)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Karur Vysya Bank Ltd., Karur).

BETWEEN

The Workman represented by
The President,
Karur Vysya Bank Employees Union,
Avenue Road, Bangalore-560002.

AND

The Chairman,
Karur Vysya Bank Ltd.,
Erode Road, Karur-639002.

REFERENCE :

Order No. L-12012/103/85-D.IV(A)/IR.B.III, dated 5th June, 1990, Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Tvl. K. Chanru and D. Bharathy, Advocates appearing for the workmen and of Tvl. T. S. Gopalan, P. Ibrahim Kalifulla, and S. Ravindran, advocates appearing for the management, upon perusing the reference, claim and counter statements and other connected papers on record and the Counsel for the workmen having made an endorsement for not pressing this dispute and recording the same, this Tribunal passed the following:

AWARD

This reference has been made for adjudication of the following issue:

"Whether the action of the management of Karur Vysya Bank Ltd., in imposing punishment of stoppage of one increment for a period of one year on Shri T. Vairaperumal, and thereafter debarring him from getting promotion for a period of 3 years from the date of the Award of the punishment is justified? If not, to what relief the workmen is entitled to?"

Parties were served with summons.

Endorsement made by petitioner-union not pressing the claim. Endorsement recorded. Claim dismissed as not pressed.

Dated, this the 22nd day of July, 1996.

S. THANGARAJ, Industrial Tribunal

COPY OF ENDORSEMENT MADE BY PETR UNION

I am not pressing the above I. D. 47/90.

No objection.

Sd./- V. Rajagopalan. 22-7-96.

Counsel for respondent.

Counsel for Petitioner.

Sd./ Illegible, 22-7-96

नई दिल्ली, 3 सितम्बर, 1996

का.आ. 2756.—औद्योगिक विवाद अधिनियम, 1947 (1946 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिटी बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-8-96 को प्राप्त हुआ था।

[सं. एल.-12011/29/91—आई आर (बी आई)]

पी.जे.माईकल, डेस्क अधिकारी

New Delhi, the 3rd September, 1996

S.O. 2756.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to

the management of Citi Bank and their workman, which was received by the Central Government on 29-8-1996.

[No. L-12011/29/91-IR (B-1)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 92/91

In the matter of dispute :

BETWEEN

Shri A. S. Bist, Gabbar Singh, Chander Bhan, Dil Bahadur, Tara Singh, Ram Singh, Parmanand Pandey and Devinder Singh, represented by General Secretary, First National Citi Bank Staff Association, 3-Sansad Marg, New Delhi-110001.

Versus

The Management of Citi Bank, Jeevan Bharti Building, Sansad Marg, New Delhi-110001.

APPEARANCES :

Shri S. K. Maini—for the workmen.

Shri Dinesh Agnani—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12011/29/91-IR (B-III) dated 25-7-91 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Citi Bank, New Delhi, in not giving overtime to S/Shri A. S. Bist, Gabbar Singh, Chander Bhan, Dil Bahadur, Tara Singh, Ram Singh, Parmanand Pandey and Davinder Singh, Chowkidars/Sub-staff for performing duties beyond 4 1/2 hours duty on Saturday is justified ? If not to what relief the workmen are entitled to ?"

2. The case was fixed for arguments when the parties made statement that No Dispute Award may be given in this case as the parties have now settled the dispute. Joint application is duly signed by the representatives for the parties. No dispute exist according to this application. Parties shall remain bound by the terms of the settlement. No Dispute Award is given in this case Parties are left to bear their own costs.

Dated : 13th August, 1996

GANPATI SHARMA, Presiding Officer
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 92 of 1991

IN THE MATTER OF :

Workman of Citi Bank, NA, represented by First National Citi Bank Staff Association —Workman

Versus

Management of Citi Bank NA —Management

JOINT APPLICATION FOR PASSING NO DISPUTE

AWARD

Most respectfully sheweth :

1. That the aforesaid matter is pending before this Hon'ble Tribunal and is now fixed for hearing on 13-8-1996.

2. That appropriate Government has referred the aforesaid dispute for adjudication and terms of reference are as follows :

"Whether the action of the management of the Citi Bank New Delhi in not giving overtime to S/Shri A. S. Bist, Gabbar Singh, Ram Singh, Parmanand Pandey, and Davinder Singh, Chowkidar/sub-staff for performing the duties beyond 4 1/2 hours duty on Saturday is justified ? If not, to what relief the workmen are entitled to ?"

During the pendency of the aforesaid dispute and without prejudice to the rights and contentions of the parties, the parties have arrived at a settlement as per the following terms :

- That the employees mentioned in annexure-A to this application will be paid a sum as set out therein in full and final settlement of all their claims in the present reference.
- That the said workmen agree that their duty hours on all days including Saturdays continue to be seven hours per day excluding one hour lunch, till revised through mutual discussion and agreement.

In the circumstances it is most respectfully prayed that in view of the aforesaid settlement a no dispute award be passed.

Pass such other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Sd/- Illegible
Respondent No. 1
THROUGH
COUNSEL

Sd/-
Petitioner
THROUGH
COUNSEL

New Delhi

Dated :

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 92 of 1991

IN THE MATTER OF :

Workman of Citi Bank NA represented by First National Citi Bank Staff Association —Petitioner

Versus

Management of Citi Bank NA —Respondent
Affidavit of Shri S. K. Maini, General Secretary, FNCBSA, New Delhi.

I, the above named deponent do hereby solemnly affirm and declare as under :

- That I am General Secretary of association and am fully conversant with the facts and circumstances of the case and am competent to depose by way of this affidavit.
- That the accompanying joint application for withdrawal of the industrial dispute has been drafted under my instructions. The facts stated therein are true and correct to my knowledge. The same be read as part of this affidavit.

Deponent
Sd/- Illegible

VERIFICATION

Verified at New Delhi on this 12 day of August, 1996 that the contents of the above affidavit are true and correct to my knowledge. No part of it is false and nothing material has been concealed therefrom.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 92 of 1991

IN THE MATTER OF :

Workman of Citi Bank NA represented by First National Citi Bank Staff Association —Petitioner

Versus

Management of Citi Bank NA

—Respondent

Affidavit of Shri Soumitra Gupta, Human Resources Head—North, Citi Bank Na, 3 Parliament Street, New Delhi.

I, the above named deponent do hereby solemnly affirm and declare as under :

1. That I am presently working as Human Resources Head—North with the bank and am fully conversant with the facts and circumstances of the case and am competent to depose by way of this affidavit.
2. That the accompanying joint application for withdrawal of the industrial dispute has been drafted under my instructions. The facts stated therein are true and correct to my knowledge. The same be read as part of this affidavit.

SOUMITRA GUPTA
DEPONENT

VERIFICATION

Verified at New Delhi on this 9 day of August, 1996 that the contents of the above affidavit are true and correct to my knowledge. No part of it is false and nothing material has been concealed therefrom.

SOUMITRA GUPTA
DEPONENT

ANNEXURE A

1. A. S. Bist
2. Gabar Singh
3. Chander Bhan
4. Tara Singh
5. Ram Singh
6. Parmanand Pandey
7. Davinder Singh

Note.—Each employer shall be paid Rs. 2,500.

नई दिल्ली, 4 सितम्बर, 1996

का.आ. 2757 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मध्य रेलवे के प्रबंधन के संबंध में निदेशों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बम्बई 2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-96 को प्राप्त हुआ था।

[संख्या एल. 41012/63/92—आईआरबी आई]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 4th September, 1996

S.O. 2757.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay No. 2 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Rly. and their workman, which was received by the Central Government on the 3-9-1996,

(No. L-41012/63/92-IRBI)

P. J. MICHAEL, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2 MUMBAI

PRESENT :

Shri S. B. PANSE, Presiding Officer.

REFERENCE NO. CGIT-2/37 OF 1995.

EMPLOYERS IN RELATION TO THE MANAGEMENT OF CENTRAL RAILWAY,
BHUSAWAL

AND

THEIR WORKMEN

APPEARANCES :

For the Management : Mr. R. D. Decharia, Advocate.

For the Workmen : S/Shri K. G. Damecha, M. M. Kakani & M. V. Santani, Advocates.

Mumbai, dated 20th August, 1996

AWARD

The Government of India, Ministry of Labour by its order No. L-41012/68/92-IRBI, dated, 6-12-1995 had referred to the following Industrial Dispute for adjudication.

“Whether the action of the management of the DRM, Central Railway, Bhusawal, in terminating the services of Shri Mohd. Iqbal Sheikh Gambhir is legal and justified? If not, to what relief is the workman entitled?”

2. Mohd. Iqbal Sheikh Gambhir, the worker pleaded that he was a monthly rated casual labourer with the Central Railway, Bhusawal. He worked for more than 240 days and had acquired a temporary status. On 3rd January, 1987 his service were terminated orally. It is averred that no departmental inquiry was held against him nor he was given any retrenchment notice nor any compensation as required under the provisions of Industrial Disputes Act of 1947. It is averred that similarly placed workmen and new workmen were employed by the railway after his termination. It is averred that he was never served with a notice for absconding from the service. It is submitted that the action of the management is illegal. He is therefore entitled to reinstatement in service with full back wages and continuity.

3. The management resisted the claim by the written statement Exhibit-5. It is averred that the alleged action was in the year 1986. The present dispute is raised after four years which is a stale one and suffers from laches. It is submitted that as such worker is not entitled to any of the reliefs.

4. The management pleaded that the workman was engaged as a daily rated casual Khalasi on 27-9-1984. At that time he produced a casual labour Card No. 22560 alleged to have been given by P.W.R.(N) Harda. The effect of the certificate was that he worked during the period 19-3-1982 to 18-12-1982 with them. It was on its basis the workman was engaged as a casual labourer because there was a prohibition for appointment of new casual labourers and the persons who were already served with the railway were allowed to be engaged as casual labourers. It is averred that afterwards it was found that the card which was produced by the worker was bogus. It is therefore a notice was issued to the workman calling upon him why his service should not be terminated. After receipt of the said notice the workman absconded from the service. It is averred that under such circumstances

there was no question of giving him notice not compliance of any of the provisions of retrenchment. It is submitted that under such circumstances the worker is not entitled to any of the relief, as claimed.

5. The issues that fall for my consideration and my findings there on are as follows :

ISSUES	FINDINGS
1. Whether the claim is stale ?	Yes.
2. Whether the action of the management of DRM, Central Railway, Bhusawal in terminating the service of Mhd. Iqbal Sheikh Gambhir is legal and justified ?	The worker was absconding and the action is legal and justified.
3. If not, what relief is the workman entitled to ?	Does not survive

REASONS

6. Mohd. Iqbal Sheikh Gambhir (Exhibit-8), lead oral evidence for himself. As against him Bandhopadhyay the Chief Inspector of works lead oral evidence (Exhibit-12). It is not in dispute that the worker was engaged as a daily rated casual Khalasi by Chief Inspector of works, Bhusawal on or about 28-2-86. He worked till January 3, 1987. Gambhir affirmed that while getting the employment no card was produced by him. As against Bhandopadhyay affirmed that after production of the card casual labour card No. 22560 which was alleged to have been issued by Chief Permanent Way Inspector, Mr. Harda to the effect that he had worked with the said official during 19-3-82 to 18-12-82 was appointed as a casual labourer. According to him otherwise in view of the circular from the board that no new casual labourer is to be appointed, he would not have been given the appointment. It is not in dispute that at the relevant time there was a prohibition for appointment of casual labourer.

7. It can be further seen that the workman must have been given appointment on the basis of that card. It is because Bandhopadhyay affirmed that later on it was revealed that the card which was produced by the worker was bogus one. It is therefore he was served with a notice dated 15-12-86. In the said notice it is mentioned that after thorough inquiry it was found that the card which was produced by him for getting the employment was found to be bogus. It is therefore he was called upon to give his explanation within a period of 15 days why his services should not be terminated for reasons mentioned in the said notice. It is not in dispute that the worker had not replied to this notice, but was on duty till 4-1-87. Bandopadhyay affirmed that when the worker realised that the serious action may be taken against him for production of bogus forge card he absconded and remained absent from the service. He did not attend the office at all. From the muster roll it appears that the name of the worker was struck off form 4-1-87. It is because he remained absent on works. If really he would not have produced the card as alleged by him in his statement

of claim and the notice which was issued by him to the railway then there was no reason for him for not replying the show cause notice which was addressed by the management to him. He would have done so at the earliest opportunity. As he had not done so I have no hesitation to hold that he must have produced the card before the management for getting the employment.

8. From the testimony of Bandopadhyay it reveals that looking to the seriousness of the Act committed by him he thought fit to remain absent. As that was so there was no question of holding a departmental inquiry against him. It can be seen that the workman was served with a notice dated 15-12-86 which speaks of why the action of termination should not be taken against him for the reasons which I have narrated above. As he had not given any reply to that notice and as he was absent from duty the only remedy which was open for the management to strike off his name from the pay roll which they had done, I do not find any illegality in the action of the management.

9. It can be seen that from January 4, 1986 the workman was not on duty. He was absconding. For the sake of argument it is said that he was not absconding and he was orally terminated. What action he took ? He kept mum for four years which itself goes to show that there is no truth in his contention. The claim which is tried to be raised by him is stale one and he is not entitled to any reliefs on its basis. It can be further seen that the management is the railway. Under such circumstances any action of termination cannot be oral. It has to be in writing. I therefore find that the contention of the workman that he was orally terminated is without any basis. If really that would have been so there was no reason for the management to issue that show cause notice dated 5-12-86 having subject, termination of service.

10. The Learned Advocate for the workman had placed reliance on :

- (i) 1982 Labour Industrial Cases 811 (S.C.) L. Robert D'Souza V. Executive Engineer Southern Railway.
- (ii) 1986 Labour Industrial cases page 863 (S.C.) S. G. Chemicals & Dyes Trading Employees Union V. S. G. Chemicals & Dyes Trading Ltd. Synopsis D on the point of back wages.
- (iii) 1996 (1) Bombay Labourer cases 161 Bombay High Court, Chandrapur Distt. Central Co-op. Bank Ltd. V. Industrial Court Nagpur.

Those authorities are on different facts. It has no relevancy to the facts before me.

11. For all these reasons I find that there is no truth in the case of the workman. His claim is stale. I return my findings on the points accordingly and pass the following order :

ORDER

The action of the management of DRM, Central Railway, Bhusawal in terminating the services of

Sh. Mohd. Iqubal Shaikh Gambhir is legal and justified.

S. B. PANSE, Presiding Officer

नई दिल्ली, 4 सितम्बर, 1996

का.आ. 2758. औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार मध्य रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बम्बई-2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-96 को प्राप्त हुआ था।

[संख्या एल.-41012/62/92-आई आर बी आई]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 4th September, 1996

S.O. 2758.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay No. 2, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Rly. and their workman, which was received by the Central Government on the 3-9-96.

[No. L-41012/62/92-IRBI]

P. J. MICHAEL, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer,
Reference No. CGIT-2/36 of 1995

BETWEEN :

Employers in relation to the Management of
Central Railway, Bhusawal

AND

Their workmen.

APPEARANCES :

For the Management : Shri R. D. Deharia, Advocate.

For the workmen : S/Shri K. G. Dhamecha,

M. M. Kakani &

M. V. Santani, Advocate

Mumbai, dated 20th August, 1996

AWARD

The Government of India, Ministry of Labour by its order No. L-41012/62/92-IRBI, dated 6-12-95 had referred to the following Industrial Dispute for adjudication.

"Whether the action of the management of the DRM, Central Railway, Bhusawal in terminating the services of Shri Ayyubkhan

Aliyarkhan is legal and justified ? If not, to what relief is the workman entitled ?"

2. Ayyubkhan Aliyar Khan, the workman contended that he was a monthly rated casual labourer with Divisional Railway Manager, Central Railway, Bhusawal. He worked continuously from 20-2-86 till 18-12-86. On 18-12-96 his service was terminated abruptly. No departmental inquiry was held against him nor he was paid any retrenchment compensation nor there is any compliance of the provisions of retrenchment. He had worked more than 240 days in a year.

3. The workman pleaded the termination of his service is against the Principles of Natural Justice. It is averred that new persons are appointed by the manager after termination of his services. It is submitted that his name is struck off from the pay roll on the ground that he is absconding is without any merit. Under such circumstances it is prayed that he may be reinstated in service with full back wages and continuity.

4. The management resisted the claim by the written statement (Exhibit-5). It is asserted that the claim is stale suffers from latches. It is pleaded that the workman was engaged as a daily rated casual Khalasis on or about 28-12-86. At that time he produced a casual labour card No. 17688 alleged to have been issued by IOW(C) Bhusawal to the effect that he worked with the same office during 19-5-80 to 18-11-83. It is asserted that in view of the said certificate he was engaged as a casual labourer because there was a prohibition for engagement of new casual labourers.

4. The management asserted that later on it was revealed that the certificate which was produced by the workman was a bogus one. It is therefore, he was given a notice dated 18-12-85 calling upon him why the action should not be taken against him and his services should not be terminated. After receipt of the said notice the workman absconded from the service and did not return. It is averred that thereafter in the year 1990 the worker gave a notice through advocate which was properly replied. It is submitted that there was no termination of his services as alleged. It is averred that as the claim which is tried to be raised is after a period of four years is helplessly barred by limitation and is a stale one. It is submitted that as he was absconding there was no question of giving him notice or compliance of any of the provisions of retrenchment. It is prayed that the reference may be answered accordingly.

5. The issues that fall for my consideration and my findings thereon are as follows :

Issues	Findings
1. Whether the reference suffers from latches ?	Yes.
2. Whether the action of the management of DRM, Central Railway, Bhusawal in termination the services of Ayyubkhan Aliyar Khan is legal and justified ?	The worker absconded. Therefore the action is legal and justified ?

3. If not, to what relief is the workman entitled ? Does not survive.

there is no question of sending any notice or complaint of the provisions of the retrenchment as alleged.

REASONS

6. Ayyubkhan Aliyar Khan (Exhibit-8), the workman affirmed that he worked continuously from 22-2-86 till 18-12-86. This position is not disputed by Bandopadhyay the Chief Inspector of works (Exhibit-12). In other words it can be said that he worked continuously for 240 days in a year. It is accepted position that the workman was initially engaged as a casual labourer. After working for 120 days he was called as a monthly rated casual labourer. The record is maintained so far as monthly rates casual labourers are concerned.

7. Ayyub Khan affirmed that on 18-12-86 his services were orally terminated. This is denied by Bandopadhyay. Accordingly to him from 18-12-86 the worker absconded from the service. This so happened because a notice was served upon him dated 18-12-86 calling upon him why his services should not be terminated. It is pertinent to note that in the said notice it is specifically mentioned that while getting the said job the worker produced a casual labour card alleged to be given by SM Goods clerk etc. to the effect that he had worked under the said official during the period 19-5-80 to 18-11-83. It is further mentioned that it was found that the labour card bearing No. 17688 was found to be bogus, forge and false. It was given with an intention to get an appointment and on its basis only an appointment was given as there was prohibition for appointment of new casual labourers. Thereafter in the last paragraph, namely in paragraph-4 it is mentioned that the explanation of the worker was called within 15 days why his services should not be terminated for reasons stated above.

8. Ayyub Khan admits to have not replied that letter. On the contrary from that day, from his no admission he remained absent from duty. According to him from that date his services were terminated but that appears to be wrong submission because in the written argument which is filed on behalf of the worker and from the documents on the record it is shown that from 18-12-1986—3-1-1987 the worker was on leave. It appears to me that he was shown on leave because that much period of leave must be on his account. As he remained absent the management thought it that for one reason or the other he might not be coming. Therefore, he is shown on leave. Thereafter he is shown as discharged. If really his services would have been terminated there was no reason for the management to show him as on leave between 18-12-86 to 3-1-87. It can be further seen that it is not a private service. It was with the railways. If any body has to be terminated naturally a notice is required to be given to the said person to that effect. Acceptedly such a notice was given to the worker asking his explanation why his services should not be terminated from the reasons which I have narrated above. Obviously, the reasons being correct one the worker through it first to run away from the place and to save his skin from facing other consequences. I therefore find that the testimony of Bandopadhyay is correct one to the fact that from 18-12-86 the workman absconded from the service. As this is so

9. It is not in dispute that the worker was appointed on 20-2-86 there was a bar for appointment of casual labourers but they were allowed to be engaged who were previously in service of railway. For getting the job of casual labourer the worker obtained such a card.

10. From the testimony of Bandopadhyay it is tried to bring on the record that the service record which the management has to maintain is not properly maintained and not produced on the record. It cannot be forgotten that the workman was a casual labourer. Therefore that ever record was available with them is produced on the record. It can be further seen that the worker kept sum for about four years and then issued a notice dated 26-11-91. This appears to be an after thought. Thereafter he also approached the Assistant Labour Commissioner, Nagpur. It wrote to the Railways in conciliation proceedings. The Divisional Railway Manager works had given a reply to the Assistant Labour Commissioner dated 20-12-91 informing him that there is no genuine case in respect of the worker and he reiterated the points which were taken in the notice dated 18-12-86. It can be seen that all this action of the worker is nothing but taking out a stale claim and which cannot be allowed. There was no reason for him to raise a dispute at an earlier stage. Infact that he had not replied to the show cause notice given by the management and absconded from the work place itself goes to show that he accepted all the contentions there in. In his notice he had not given any reasons that why there is so much delay. I therefore find that the reference is stale one, He is not entitled to any reliefs on its basis

11. The Learned Advocate for the workman placed reliance on :

- (1) 1982 Labour Industrial Cases 811 (S.C.) L. Robert D'Souza V. Executive Engineer Southern Railway.
- (2) 1986 Labour Industrial Cases page 863 (S.C.) S. G. Chemicals & Dyes Trading Employees Union V. S. C. Chemicals & Dyes Trading Ltd. Synopsis D on the point point of back wages.
- (3) 1996 (1) Bombay Labour Cases 161. Bombay High Court, Chandrapur Distt. Central Co-op. Bank Ltd. V. Industrial Court Nagpur.

Those authorities are on different facts. It has no relevancy to the facts before me. For all these reasons I record my findings on the issue accordingly and pass the following order :

ORDER

The action of the management of the DRM, Central Railway, Bhusawal in terminating the services of Shri Ayyub Khan Aliyarkhan is legal and justified.

S. B. PANSE, Presiding Officer

नई दिल्ली, 4 सितम्बर, 1996

क्र.आ. 2759.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मांगली बैंक लि., के प्रबन्धन के संवद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई-2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-96 को प्राप्त हुआ था।

[संख्या: एन-12012/39/94-आईआरबीआई]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 4th September, 1996

S.O. 2759.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay-2, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sangli Bank Ltd. and their workman, which was received by the Central Government on the 3-9-96.

[No. L-12012/39/94-JRBI]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer

Reference No. CGIT-2/17 of 1995

Employers in relation to the Management of Sangli Bank Limited

AND

Their Workmen

APPEARANCES :

For the Management—Mr. M. V. Gaokar, Advocate

For the Workmen—Mr. S. V. Joshi, Advocate

Mumbai, dated 16th August, 1996

AWARD

The Government of India, Ministry of Labour by its Order No. L-12012/39/94-IR (B.I), dated 19-7-95 had referred to the following Industrial Dispute for adjudication :

“Whether the action of the Management of Sangli Bank Ltd., Sangli in not making full payment of statutory, terminal and other dues of dismissed employee Shri Dhananjay B. Patil is legal and justified ?

If not, to what relief is the workman entitled ?”

2. Shri Dhananjay B. Patil was working as Manager with the Sangli Bank for many years and was the seniormost employee of the Bank. He was a branch manager at Kotoli from 16-7-87 to 17-11-89. It is alleged that during the said period there was some irregularities in the branch which was committed by Patil. A domestic inquiry was started against him. Ultimately an order of dismissal was passed on 14-5-91. He preferred an appeal to the authorities who converted the order into discharge on 14-10-91.

3. The workman pleaded that his terminal dues were not paid to him. He therefore, made different representations to the bank for its payment. Ultimately he issued a notice of payment dated 21-10-92 to the bank. But the amount was not paid. He also made a representation to legal enforcement officer on 29-5-93. Ultimately he was paid terminal benefits on 4-8-92, but deducting many amounts which the bank should not have been deducted. He therefore claimed the amounts from the bank as mentioned below :

(a) One Month's Notice Pay	Rs. 5,353.00
(b) Int. on terminal benefit amounting to Rs. 2,00,512 @ 18% from 4-10-91 to 4-8-92	Rs. 30,159.20
(c) Payment of Privileged leave for balance 195 days	Rs. 33,610.65
(d) Rs. 11,583 withheld by respondent with interest @ 18% from 4-10-91 to 4-8-92 (Int. Rs. 1,742.20)	Rs. 13,325.20
(e) Rs. 6,233 withheld by respondent with interest @ 18% from 4-10-91 to 4-8-92 (Int. Rs. 937.50)	Rs. 7,170.50
(f) Rs. 2,481 withheld by respondent with interest @ 18% from 4-10-91 to 4-8-92 (Int. Rs. 373.15)	Rs. 2,854.15
Total amount due	Rs. 92,532.70

4. The bank resisted the claim by the written statement Exhibit-5. It is averred that the demands raised by the employee is for the payment

of certain dues and not in respect of any matter falling under the second and third schedule of the Industrial Disputes Act of 1947 (hereinafter called as an Act). It is therefore, there is no Industrial Dispute. The Tribunal has no jurisdiction. It is also averred that the dispute cannot be said to be a dispute under Section 2A of the Act and therefore, the Tribunal has no jurisdiction.

5. The bank asserted that Patil was found guilty of the major charges levelled against him. He was initially dismissed from the services but later on his punishment was converted into discharge. He executed an indemnity bond in favour of the bank. The bank recovered the dues which he was to pay to the bank on different heads before the full payments. It is asserted that when ever dues were there, they were paid to him. The bank contended that the employee is not entitled to one months leave salary, money benefits for the privileged leave, interests and other claim as claimed by him. It is submitted that the claim is baseless and deserves to be rejected.

6. The employee filed a rejoinder at Ex.-6. It is asserted that the dispute which is resisted is clearly is an industrial dispute and the Tribunal has jurisdiction to decide the matter. It is pleaded that the bank has no right to raise the present issue as it is not raised in a departmental inquiry or before the Assistant Labour Commissioner. It is therefore, the order passed out in such an inquiry proceedings are under the banks bonafide and clear belief that the dispute is within the Act. Further that he respondent had conducted such a prior proceedings under the aforesaid bonafide belief including the belief and impression to treat the employee as their workmen. It is averred that the claim which is made by the employee is substantial one and is entitled for the same.

7. The issues that fall for my consideration and my findings thereon are as follows :—

Issues	Findings
1. Whether the Tribunal has jurisdiction to entertain the reference ?	No.
2. Whether the actio n of the management of Sangli Bank Sangli in not making full payment of statutory, terminal and other dues of dismissed employees Shri Dhananjav B. Patil is legal and justified ?	Does not If survives, the employee is entitled to some benefits.
3. If not, to what relief is the workman entitled to ?	Does not survive. If survives, as mentioned in the reasons.

REASONS

8. It is tried to argue on behalf of the bank that the Tribunal had no jurisdiction to decide the reference. The contention was taken on the basis that the matter does not fall either in the second or third schedule of the Act. Mr. Joshi, the Learned Advocate for the employee argued that it does fall under the schedule and draws my attention to Clause-11 of the IIIrd schedule; If deals with any other matter that my be prescribed. It is a vide clause and it can be said that it falls in it. Section 2A of the Act deals with an Industrial Dispute in respect of employee which is discharge, dismissed retrenched or otherwise terminated from the services. Herein in this case the services of Patil are terminated. Therefore, this dispute clearly calls as an industrial Dispute contemplated under section 2A of the Act.

9. Today when the matter is for passing of the award I made queries to Mr. Joshi., The Learned Advocate for the employee how he can support the cause of the employee that he is a worker. His attention was drawn to the definition of the worker given in the Act. He tried to explain the matter on the basis of the definition and the rejoinder which filed on the record I am not inclined to accept the said explanation. It could be seen that in the statement of claim itself, the worker had said that he was working as a manager of the bank in the relevant period. In the affidavit which is filed by him at Exhibit-9, he had affirmed that he worked as a branch manager at Kotoli branch from 16-7-87 to 17-11-89. During his tenure at Kotoli branch was awarded with the best branch seal due his efficient managerial effort. Admittedly his monthly remuneration was Rs. 5353. As he was a manager he was to supervise the work of all staff working under him. He is a head of that particular branch. Therefore, it has to be said that he was employed accordingly in the managerial or administrative capacities. Under such circumstances he cannot be called as a worker as defined under the Act. Naturally that takes out the jurisdiction of this Tribunal to decide the reference.

10. For the sake of argument if it is said that the Tribunal had jurisdiction to decide the matter I intend to answer the further issues. Exhibit-8/4 is a discharged order dtd. 4-10-91. The last para of this order is very material which speaks that "Whereas the chargesheet bearing No. HO/ LAW&IR/PRK/653/90-91 dtd. 14-6-90, issued to Shri D. B. Patil, Ex-Manager, Kotoli Branch and since admitted by him by his various letters and also during enquiry, I hereby award punishment of Discharge from the services of the Bank to Shri D. B. Patil. He stands discharged from the services w.e.f. 14-5-91. The suspension of Shri Patil is confirmed. Shri D. B. Patil is liable to the Bank to the extent of loss suffered by the Bank". In this order it is clearly mentioned that

Patil is liable to the bank to the extent of losses suffered by the bank. Patil admits to have executed the indemnity bond Exhibit-10|1. In this indemnity bond he has categorically mentioned that the bank is entitled to recover from him from the terminal benefits the same payable by him to the bank under various loans raised by him as the then employee of the bank and also the claims made by the bank constitute against the bank for the acts committed by him as the employee of the bank during his tenure at Kotoli branch as the Manager of the Bank. He had further mentioned that the claims of the customers of the bank are yet to be scrutinised and finalised by the bank. That goes to show that he accepted his liability to make the demands in respect of those customers to the bank.

11. It can be further seen that in the statement it is accepted that there shall be no forfeiture of gratuity for dismissal which account to misconduct except in cases where such misconduct causes financial loss to the bank and in that case to the extent only. As this is so the bank is entitled to recover the loss caused to the bank by Patil.

12. Exhibit-7|3 is a letter written by the bank to Patil dated 25-9-92. This is in response to his letter dated 5th August, 1992. In this letter they have shown that how much amount in respect of Provident Fund and gratuity has to be paid to him. At page 2 they have shown the liabilities, dues, loans recovered from the above payments. It is shown that after making adjustments of Balances of Rs. 23,799.92 ps. were credited in the employees savings bank account at Kolhapur. This appears to be not in dispute.

13. Since (Exhibit-12) the Branch Manager accepts that they have recovered the dues from the amount which was to be paid to Patil on the basis of the indemnity bond. In fact so far as the amount which shown at (b), (e) & (f) in paragraph, 22 and the Statement of claim deals with the amount found to be recovered from Patil on the basis of the domestic inquiry. Looking to the reasons stated above and order of dismissal it can be seen that they are entitled to recover this amount.

14. Now that takes me to the next claim of the worker i.e. one months notice or pay amounting to Rs. 5353. Clause 19.6 (e) of Bipartite settlement states that if an employee found guilty of gross misconduct who may have his misconduct condoned and be merely discharge. It is rightly argued on behalf of the Mr. Joshi, the learned Advocate for the employee that as no notice was given to him when he was discharged from service he is entitled to one months salary. Mr. Gaokar, the Learned Advocate for the

bank argued that when there is a gross misconduct the workman could be merely discharged with or without notice or on payment of months pay and allowance in lieu of notice. The order of discharge should speak regarding this. If it is not mentioned in that order the employee is definitely entitled to the benefit which is claimed in the present matter. At one stage it was argued on behalf of the bank that now the employee wants to take the advantage of the situation. Even if that is so he cannot be revented from taking that benefit.

15. That takes me to the second claim of the worker namely encashment of privileged leave which is of 195 days. Patil affirmed that when he was discharged his P. L. was to the extend of 195 days. In fact the bank possess the record of said leave. They have not produced record to show that the leave account which is affirmed by Patil is incorrect. As this is so I have no reason to disbelieve the period which is shown by the employees.

16. The Learned Advocate for the management argued that as he was discharged from the service he is not entitled to any encashments of the privileged leave. He placed reliance on para-23 (b) of the Bi-partite settlement dated 31-10-81. It deals with encashments of privileged leave. It states that (a) the workman would be entitled to encash the cumulative privileged leave and they are credited at the time of retirement, (b) If a workman dies in service his heirs shall be paid salary for the privileged leave accrued to him at the time of death. (c) The employee will be entitled to encash privileged leave to his credit upto the maximum limit of one month while proceeding on leave, leave fare concessions only once in four years. On its basis it is tried to submit that there is no mention of the discharged employee, therefore leave lapses. To justify this arguments he placed reliance on para 13.8 of Bi-partite settlement dated 19-10-86 and para 15 of the Bi-partite settlement dated 31-10-81. There it is mentioned that the Leave earned by an employee lapses on the date on which he ceases to be in service provided, however, that :

- (i) where an employee's services are terminated owing to retrenchment, he shall be paid his pay and allowances for the period of Privilege leave at his credit;
- (ii) a workman would be entitled to encash the privilege leave at his credit at the time of retirement; and
- (iii) if a workman dies in service, his heirs will be paid salary for the leave accrued to him at the time of his death.

No doubt there is no mention of discharged employee. It is not in dispute that when an

employee is discharged he gets all terminal benefits. As he gets terminal benefits I do not find any reason why he should not be given the same facility so far as the encashments of privileged leave is concerned. It is given to the retired employee. When there is no specific clause or when there is no specific intention of the legislation or the settlement does not speak does not contrary to the interests of that employee it is always to be seen that the employee is benefitted. Under such circumstances I do not find substance in the claim of Patil so far as encashment of Privileged Leave is concerned.

17. The workman had claimed 18 per cent interest on all the due amount which is obviously an exorbitant interest. It is tried to argue that the amount which was paid to him was a delayed payment and therefore he is entitled to claim the interest. It can be seen that initially the workman was dismissed from the service. He preferred an appeal which was heard and then he was discharged. While doing so in that order the disciplinary authority had mentioned that the bank dues are to be recovered from the employee. For that purpose the calculation was required to be carried out which took time. The employee then executed the indemnity bond. Again it can be seen that there is a trust for Provident Fund accounts. The Provident Fund Account was received by the bank alongwith interest on 25-7-92. Thereafter the payment was made on 4-8-92. No doubt the Provident Fund amount was to be paid within 90 days from the retirements, dismissal, discharge or termination of an employee. If that is not done then that account carries an interest. Shinde had affirmed that when they received that amount the interest was paid on that amount. As that is so I do not find any merit in the claim of Patil claiming interest on those amounts.

18. Now-a-days the banks are paying about 12 per cent interest per annum which is the most reasonable rate of interest. The workman will be entitled to receive interest on that rate on the above said amount from the date of his termination till its payment. But as I have come to the conclusion that the Tribunal has no jurisdiction to decide the reference he will not be entitled to anything in the matter. In the result I record my findings on the issues accordingly and pass the following order :

ORDER

The reference is disposed off for want of Jurisdiction.

S. B. PANSE, Presiding Officer

नई दिल्ली, 4 सितम्बर, 1996

का.प्रा. 2760.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार शिपिंग कारपोरेशन आफ इण्डिया के प्रबन्धन के संबंध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-9-96 को प्राप्त हुआ था।

[सं. एल-31012/45/92-आईआर(विविध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 4th September, 1996

S.O. 2760.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Shipping Corporation of India and their workman, which was received by the Central Government on 2-9-96.

[No. L-31012/45/92-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice R. S. Verma, Presiding Officer
Reference No. CGIT-1/36 of 1993

PARTIES :

Employers in relation to the management of
Shipping Corporation of India

AND

Their Workmen

APPEARANCES :—

For the Management.—Shri Ramaswamy,
Advocate.

For the Workmen.—Shri Jayaprakash
Sawant, Adv.

STATE : Maharashtra.

Mumbai, dated the 16th day of August, 1996

AWARD

1. The appropriate Government has referred the following dispute for adjudication to this Tribunal :—

"Whether the management of Shipping Corporation of India operating in port of Bombay is justified in terminating the service of S/Shri P. M. More and G. Y. Nilwara, Dock Clerks w.e.f 23-11-1988

without complying the provisions of I.D. Act 1947 ? If not, to what relief are these workmen entitled to ?"

2. Briefly stated, the case of the union, spousing the cause of the two workmen is that workmen P. M. More and G. Y. Nilwama were working in the Docks' office of the Shipping Corporation of India respectively from 23-8-86 and 20-8-87. They worked under the supervision of S/Shri S. A. Paingonkar Dy. Manager and Venkateshan, Joint Manager of the corporation in the capacity of Clerks and were continuously in the said employment till 23-11-88 when the corporation refused employment to them. They pleaded that though they worked in the office of the corporation, yet their salaries were paid by the contractors of the Shipping Corporation for reasons best known to the management. It was pleaded that they were refused employment in violation of the provisions of the Industrial Disputes Act. The union took up the matter with the management but the management vide its letter dated 19th July 1991 informed the union that it had not changed its policy of recruitment and casual labourer who joined after 1985 were not considered for absorption. It was pleaded that the work discharged by the workmen was of perennial nature and they were permanent employees of the corporation. The corporation regularised the services of the other co-workmen and hence these workmen were entitled to protection of Art. 14 of the Constitution of India upon such premises. it was pleaded that the termination of the services of the two workmen w.e.f. 23-11-88 was illegal and unjustified and they be directed to be reinstated with back wages and continuity of service. The union filed its statement of claim on 15-12-1993.

3. The corporation employer has contested the claim of the union. The case of the corporation is that the two workmen along with certain nine other persons were employed by it through contractor Moosa Services Company for the purpose of Hamalage and for delivery of messages as Messenger Boys. In the year 1988, the Bombay Port Trust suspended issue of temporary dock entry permits with the result that 11 workmen including the two workmen before this Tribunal were not permitted to enter the Dock and this resulted in their non-employment.

4. It was further pleaded that the union took up the case of the said eleven workmen in conciliation and the parties signed a settlement on 22nd May 1989 whereby corporation agreed to employ five out of the said eleven workmen. It also stated that the case of the six workmen would be considered subsequently. Ex. I settlement has been placed on record. It was stated that out of the six workmen, four were taken

in employment in pursuance of a settlement arrived at between the union and corporation on 7th May 1990 and it was interalia agreed that 'when the policy changes, the corporation would consider sympathetically the cases of the two workmen'. The copy of this settlement was annexed as Ex. II.

5. It was further pleaded that a ban on fresh recruitment had been imposed by Government of India and hence the corporation could not employ the two workmen.

6. It was denied that the two workmen had been in continuous employment under the supervision of Mr. Paingonkar and Venkateshan as alleged. It was denied that provisions of the I.D. Act had been violated in any way. It was further pleaded that the union be put to strict proof in respect of its averments and the workmen had not completed even one years' of service. It was denied that there was any violation of Article 14 and 16 of the Constitution of India. It was also pleaded that Moosa & Co. was not a party to these proceedings, hence the reference was liable to be rejected.

7. The union did not file rejoinder to this reply.

8. The union filed affidavit of Gajendra T. Nilwama in support of its claim and placed certain documentary evidence on record. The witness was duly cross-examined on behalf of the management. The management filed affidavit of S.A. Paingonkar in lieu of examination in chief. He was cross-examined by the representative of the union. The management placed certain documentary evidence also on record.

9. I have heard both the sides. Both the sides have filed written arguments as well. I have perused the same and have also perused the record.

10. The first question which arises for consideration is whether the two workmen in question were employed as Clerks or as Messenger Boys by Shipping Corporation of India. Gajendra Yashwant Nilwama has stated in his affidavit that he was serving as a Clerk. He was working under the supervision of Shri S. A. Paingonkar, Deputy Manager of the Corporation. He has also filed a xerox copy of an application moved by the Corporation for issue of a dock permit (Ex. E) to the workman wherein the corporation has described him as a Clerk. In cross-examination, he stated that he was doing typing work in the corporation and Mr. More was maintaining some registers. The union filed xerox copy of another application moved by the corporation on 27-5-88 for issue of dock permit in favour of More wherein More has been described as a Clerk.

In the rebuttal affidavit Mr. S.A. Paingaonkar has stated that about 10 or 11 employees were obtained through Moosa & Co. to do the job of Messengers. In his cross-examination, he stated that the services of the two workmen had been procured to work as Watchman and they were made to work as Messengers.

Thus, there is oath versus oath. The statement of Nilwarna is supported by two applications moved by the corporation long before the dispute arise and therein both the workmen came to be described as Clerks. I accordingly find the statement of Nilwarna more reliable and trustworthy than the statement of Mr. Paingaonkar.

I accordingly hold that the two workmen were employed to do the job of Clerks. It is a different matter that the management procured their services under the nomenclature of Watchman, which fact is neither here and there.

Learned counsel for the management vehemently contended that Nilwarna had admitted that management did not issue any appointment letter to the workman; nor did it pay them their salaries. These two facts do not militate against the factum of employment of the two workmen by the corporation. Their arrangements with the contractor in these respects do not demolish the fact that the workmen were engaged with regard to affairs of the corporation and they discharged their functions for the benefit of the corporation, under supervision of the officers of the corporation.

11. Now, the second question is if the two workmen had been in continuous employment of the corporation till 23-11-88. About Nilwarna, it is pleaded that he was continuously working since 20-8-87 and worked under supervision of Mr. Paingaonkar. In his affidavit, G.Y. Nilwarna has deposed to this fact. There is no cross-examination of this witness on this aspect of the case. Mr. S.A. Paingaonkar is absolutely silent on the aspect of the case.

The union has, however, not filed affidavit of Mr. More to show that he had continuously worked from 23-8-1986 to 23-11-88. No other evidence has been placed on record to establish this averment made in the written statement of claim.

12. Thus from the evidence on record, it has been established that workmen Nilwarna served under the corporation continuously from 20-8-87 to 23-11-88. He worked as a Clerk under the supervision of Mr. Paingaonkar, a fact not denied by Mr. Paingaonkar. However, this averment has not been proved in respect of Mr. More that he had continuously worked from 23-8-86 to 23-11-88. Though it does appear that he did serve the corporation at some point of time as Clerk from 27-5-1988 as evidenced by the application for dock permit moved on 27-5-1988.

13. Now, I have to see if the workmen were

employees of the corporation or of the contractor Moosa Co. The High Court of Kerala in 1995 1 CLR 529 Kerala State Cor Corporation Ltd. has taken a view that workmen working under control and supervision of a management are workmen of such company even though they were supplied and paid by a contractor. No precedent to the contrary has been cited before me. The view taken in the said judgment commends itself to me and is also supported by judgment of Bombay High Court in 1994 11 CLR 537 Contract Labour Udyog Kamgar Union, wherein a similar view was taken and hence I hold that the two workmen were workman under the corporation.

14. The Corporation has placed before the Tribunal copy of its letter dated 4-2-89 addressed to Moosa Service Company whereby it was inter alia requested to supply Watchman and head Watchman. The corporation has also placed copy of Registration Certificate No. ALC-I/23/71 dated 16th November, 1971 which inter alia shows that M/s. Moosa Services Company could be used as contractor for supplying 200 Watchmen. A copy of licence issued to M/s. Moosa Services Company dated 27-3-72 has also been filed. Now, admittedly, these documents did not empower M/s. Moosa Services Co. to employ Clerks for the corporation nor corporation was empowered to have Clerks recruited through Moosa & Co. Hence the Registration and Licence did not empower the corporation to employ Clerk through a contractor and the aforesaid registration and licence are of no avail and do not detract or militate against the position that workmen, who worked as Clerks under the supervision of the officers of the corporation were really, workmen of the corporation. At this very juncture I may deal with the objection that Moosa & Co. has not been impleaded as a party to these proceedings. Suffice to say that no relief has been claimed against Moosa & Co. At best it was a proper party. Since relief sought can be granted even in absence of Moosa & Co. the objection is of no consequence and is repelled.

15. In the written statement of claim it was pleaded that the services of the two workmen had been terminated without complying with the provisions of the I.D. Act. Since in case of workman More, it has not been established satisfactorily that he had continuously worked for more than 240 days within a year preceding the date of retrenchment, he can not seek and can not claim any benefit under Section 25F of the I.D. Act and there is no material before me to hold that termination of his service was bad. However, the case of Nilwarna stands on a different footing. The corporation has not shown that provisions of Sec. 25F had been complied with before termination his service. Hence, his retrenchment is altogether bad in law and is rather void ab initio and Nilwarna is entitled to reinstatement as a Clerk. Two objections were taken with regard to claim of reinstatement viz. (1)

Government of India has prohibited employment and the ban continues: (ii) There is no need of additional hamals in the establishment. Suffice to say that the ban, if any can not operate against reinstatement, which follows as a matter of course, when the retrenchment is void. So far as non-requirement of Maimals is concerned, I have already held that work of Clerks was taken from Nilwama. It is not pleaded and proved that there is no work for Clerks. Hence, I must repel these objections, which are not well taken and do not behave a model employer like the Shipping Corporation of India, which is an instrumentality of the state.

16. The workmen have claimed parity in matter of absorption as other co-workmen were absorbed. Firstly, this dispute has not been referred to this Tribunal. Secondly Ex. 2 shows that only such employees had been absorbed who had entered the service of the corporation prior to 1985. Now, length of service can always be a good criteria for classification and if the present workmen, who did not have similar length of service, were not absorbed, it can not be said that there was any hostile discrimination with the meaning of Article 14 and 16 of the Constitution of India. Hence, this claim of the two workmen is not at all tenable and they can not claim any regularisation because others with longer services had been absorbed.

17. Now, I may take up the objection of the corporation that by virtue of two settlements dated 22-5-85 and 7-5-90, the claim was not entertainable; I find that, both the settlements deal with question of absorption of the workmen. I have already stated that the dispute regarding absorption is not before me and I have refrained from adjudicating the same. So far as illegal terminations are concerned, the settlements do not operate as there can be no rotoppel against law. In the present case, it has been established that termination of services of Nilwama is void altogether and he is entitled to be reinstated as a Clerk.

18. Now, I may consider the question of back wages. Normally, when termination of service is found to be void for non-compliance of the provisions of Sec. 25F, the workman is entitled to reinstatement with back wages and continuity of service. But, there are certain peculiar factors of the case, which deserve to be taken note of. Admittedly services were terminated on 23-11-88. Why the matter was not immediately taken up, has not been explained. The claim was filed on 07-9-93 i.e. after almost a lapse of almost five years. Even in conciliation, what was being pressed was the claim for regularisation and not a claim for reinstatement. Hence, I am not inclined to grant back wages to successful claimant Nilwama for the period prior to the filing of the claim petition. However, he shall be entitled to his back wages, at the rate

payable to Clerks in the establishment, at the minimum of the pay and usual allowances from 7-9-93 till reinstatement.

R. S. VERMA, Presiding Officer

नई दिल्ली, 4 सितम्बर, 1996

का. प्रा. 2761.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बम्बई पोर्ट ट्रस्ट के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-9-96 को प्राप्त हुआ था।

[सं. एल.-31012/11/92-आईआर(विविध)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 4th September, 1996

S.O. 2761.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure, in industrial dispute between the employers in relation to the management of Bombay Port Trust and their workman, which was received by the Central Government on 2-9-1996.

[No. L-31012/11/92-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

MUMBAI

PRESENT :

Shri Justice R. S. Verma,

Presiding Officer

PARTIES :

Employers in relation to the Management of
Bombay Port Trust.

AND

Their Workmen.

APPEARANCES :

For the Management : Shri Nargolkar, Advocate.

For the Workman : Shri Jayprakash Sawant, Advocate.

STATE : Maharashtra.

Mumbai, dated the 13th day of August, 1996.

AWARD

The appropriate Government has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Bombay Port Trust, Bombay in imposing the extreme penalty or removal from service on Shri Babu Rao Damu Mohite w.e.f. 18-08-89 is just, legal and proper? If not, to what relief is the workman entitled to?”.

2. The facts of the case are not in dispute. The workman was in the employment of the Bombay Port Trust. Between 15-3-85 to 29-6-88, the workman remained on unauthorised leave from time to time as per details given in a statement filed by the management, correctness whereof is not under challenge.

In March 1985, it was unauthorised absence for four days in two spells, in April 1985, it was unauthorised absence for eight days. In May, 1985, it was unauthorised absence of ten days. In June, 1985 it was unauthorised absence for 18 days in different spells and so on. There was a total unauthorised absence of 263 days between 15-3-85 and 29-6-1988.

3. The workman was duly chargesheeted; a due enquiry took place and eventually on the charge being established by evidence as also admitted by the workman, Enquiry Officer submitted a due report. A proper show cause notice was given why he should not be removed from service. The workman submitted that the absences were due to some genuine difficulties and had already put in 15 years of service and hence may not be removed. The Disciplinary Authority was not satisfied with the explanation and in view of past record of the workman imposed the penalty of removal by order dated 18th August, 1989.

4. An industrial dispute was raised and eventually by an order passed in February, 1993, the appropriate forum made the reference as above.

5. Shri Jaiprakash Sawant has not challenged the legality, propriety and fairness of the enquiry.

He also does not challenge that the misconduct of habitual absenteeism is proved.

But he submits that penalty of removal was very harsh. The workman had put in 15 years of service and it had come in evidence that there was improvement in the attendance of the workman and he had not taken any leave since January 1989. It is also submitted that the workman had always somebody ailing in the family and he always produced medical certificates while resuming duties and hence the punishment of removal is unduly unjust and harsh.

6. Shri Nargolkar submitted that earlier also the workman used to absent unauthorisedly and was punished for such misconduct. He belonged to operational section and his habitual absence used to throw the operations out of gear and caused considerable inconvenience to the management. Hence, this Tribunal may not interfere with the punishment imposed.

7. I have considered the rival contentions. Habitual absenteeism in workmen is a malady which deserves to be curbed with a stern hand. It throws out of gear industrial operations and puts a spoke in the wheel of production. It seriously hampers the progress of an establishment and generally there can be no sympathy with those who as prove to habitual absenteeism.

8. The charge sheet served on the workman recounts his past acts of absenteeism and previous punishment inflicted upon him in this regard. He was censured on 28-12-81 for unauthorised absence for the period 5-2-80 to 20-5-81. When he did not improve, he was reduced by one stage in the time scale for long unauthorised absence from 1-6-81 to 10-2-82. He persisted in his behaviour and was reverted for three years vide order dated 9-11-84. This shows that the workman is incorrigible. A very short improvement for the period January 1989 till March 1989 does not entitle him to any leniency. All ailments in the family do not entitle the workman to remain absent unauthorisedly. It has not been shown that the ailments in the family were of a nature, which always required his immediate presence by the side of the ailing member of the family. Submission of medical certificates without anything more is of no avail. This service but this too is not a good in about 15 years service but this too is not a good ground to condone the repeated misconduct of habitual absenteeism.

9. I am, therefore, not satisfied that the workman was punished unjustly or that the punishment inflicted is disproportionate to the guilt in any way. Hence I decline to interfere with the punishment awarded to the workman. He is not entitled to any relief. Award is made accordingly. In the circumstances of the case. I have the parties to bear their own costs.

R. S. VERMA, Presiding Officer

नई दिल्ली, 4 सितम्बर, 1996

का.प्र.2762. -औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स जी. के. शिपिंग (प्रा.) लि० के प्रबन्धतन्त्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद ने केन्द्रीय सरकार औद्योगिक अधिकरण,

नं० 1, बम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-9-96 को प्राप्त हुआ था।

[सं० एल-31011/28/92-आई.आर. (विधि)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 4th September, 1996

S.O. 2762.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award to the Central Government in the Industrial Tribunal, No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. G. K. Shipping Pvt. Ltd. and their workman, which was received by the Central Government on 2-9-96.

[No. L-31011/28/92-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice R. S. Verma, Presiding Officer
Reference No. CGIT-1/17 of 1994

PARTIES :

Employers in relation to the Management of
M/s. G. K. Shipping Pvt. Ltd

AND

Their Workmen

APPEARANCES :

For the Management—No appearance

For the Workman—Mr. S. R. Wagh, Advocate

STATE : Maharashtra INDUSTRY : Shipping
Mumbai, dated the 13th day of August, 1996

AWARD

The appropriate Government has referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of M/s. G & K Shipping Pvt. Ltd. Calcutta in closing down their establishment and terminating the services of Shri D. Roy Choudhary and M. M. Thacker w.e.f. 30-11-91 is just, proper and legal? If not, to what relief are those two workmen entitled?”

2. The workmen through the union espousing their cause initially filed their written statement of claim on 29-12-94. The management was served

by this Tribunal by Regd. post A.D. for the date of hearing 13-10-95. The notice was served on them on 6-9-95. But they did not put in appearance on the said date 13-10-95. By way of abundant caution, the union was also directed to serve the management directly. This was done and the management was served on 09-11-95 for the next date i.e. 5-12-95. None appeared for management on that date also. Hence, eventually, the case was ordered to proceed ex parte against the management vide order dated 13-3-96.

3. The union, thereafter, sought permission to amend its written statement of claim. It was permitted to do so. Amended statement of claim was filed on 2-8-96. In ex parte evidence, the union filed the affidavit of D. Roy Chaudhary. I have heard Shri Wagh for the union and have perused the record.

4. The case of the union as amended is that M/s. G. K. Shipping Pvt. Ltd. Calcutta, hereinafter the management, had its establishment at Bombay and was engaged in the business of Clearing and Forwarding Agents at Bombay. Shri D. Roy Chaudhary and M. M. Thacker were in the employment of the management. Shri D. Roy Chaudhary had put in seven years of service and his last drawn salary was Rs. 1442. Shri M. M. Thacker had put in eight years of service and his last drawn salary was Rs. 1893.

5. The case of the union further is that the management closed its business at Bombay abruptly. This closure was a sham-one and was not genuine as the management was doing good business at Bombay.

6. The case of the union further is that on 18th November 1991 by identical letters, the services of the two workmen were terminated by the management. The management made payments by cheques to the workmen as per details given below in the respective letters :

D. Roy Chaudhary :

“We are enclosing a Cheque for Rs. 12,349.00 in full and final settlement of your following dues arising out of termination of your employment.

(1) Salary for the month —Rs. 3,070.00
of September, October
and November 1991.

(2) Salary in lieu of leave —Rs. 1,322.00
to your credit.

(3) One month's salary in —Rs. 1,442.00
lieu of Notice.

(4) Compensation for loss —Rs. 4,802.00
of service at the rate
of 15 days pay for
every year of service

- (5) Bonus for the year —Rs. 2,213.00
1990 and 1991
(Rs. 1,340.00 +
Rs. 873.00).

Rs. 12,849.00

Less amount payable
by you to the Com-
pany as per your own
Statement of Account
(Xerox copy enclos-
ed).

—500.00

Rs. 12,349.00

We are also enclosing another Cheque for Rs. 5,823.00 in full payment of Gratuity payable in terms of the Payment of Gratuity Act. You are advised to discharge the accompanying receipts for our record."

Mr. M. M. Thacker :

"We are enclosing a Cheque for Rs. 11,894.00 in full and final settlement of your following dues arising out of termination of your employment.

- (1) Salary for the month —Rs. 3,664.00
October and Novem-
ber 1991.
- (2) Salary in lieu of leave —Rs. 1,735.00
to your credit.
- (3) One month's salary in —Rs. 1,893.00
lieu of Notice.
- (4) Compensation for loss —Rs. 7,252.00
of service at the rate
of 15 days pay for
every year of service.
- (5) Bonus for the year —Rs. 1,559.00
1991,

Rs. 16,094.00

Less amount payable
by you to the Com-
pany as per your own
Statement of Account
(Xerox copy enclos-
ed).

—Rs. 4,200.00

Rs. 11,894.00

We are also enclosing another cheque for Rs. 8,367.00 in full payment of Gratuity payable in terms of the Payment of Gratuity Act. You are advised to discharge the accompanying receipts for our record."

7. It is pleaded that the workmen received the cheque in question under protest. It is further pleaded that there were short payments on account of retrenchment compensation; D. Roy Chaudhary was paid Rs. 4802 only when he should have been paid Rs. 5823.30 and likewise M. M. Thacker was paid only Rs. 7,252.00 as against Rs. 8,736. As such, the short payments rendered the retrenchment illegal.

8. Upon aforesaid premises, workmen claimed reinstatement with back wages.

9. It may be stated that an industrial dispute was duly raised and since it could not be resolved, the appropriate Government made the reference as above.

10. Now, the first point which needs determination in the present case is whether closure of its Bombay Office by the management was sham and not genuine. There is not even a faint whisper in the affidavit of Shri D. Roy Chaudhary in this regard. It appears that the closure of Bombay establishment is a fait accompli. Hence, the genuineness or otherwise can not be gone into by this Tribunal. Moreover, there is not an iota of the evidence that the closure was sham or bad. Hence this point is decided against the union.

11. Now, the next question is if the retrenchment of the two workmen is illegal on the ground of short payment as pleaded. There is affidavit of D. Roy Chaudhary to the effect that he was entitled to retrenchment of compensation to the tune of Rs. 5,823.30 paise but was paid only Rs. 4,802.00. Likewise, he has stated that M. M. Thacker was entitled to retrenchment compensation in a sum of Rs. 8,736.00 but was only paid Rs. 7,252. It is urged that these short payments have vitiated the retrenchment of the two workmen and they are entitled to be reinstated with back wages. Reliance is placed in this regard upon 1992 II LLN. 500 Trade Wings Ltd

12. This is correct that the two workmen have been made short payments so far as retrenchment compensation is concerned as indicated. But since the establishment at Bombay, where the two workmen were employed, has been closed and the retrenchment is only a sequel to such closure, which has not been shown to be illegal, non-genuine or sham, there can be no occasion to order reinstatement if the two employees and they can at best

get the balance amount of compensation with interest @ 12% p.a. Accordingly Mr. D. Roy Chaudhary shall be entitled to receive Rs. 1021.30 with interest @ 12% with interest from the date of retrenchment; likewise M. M. Thacker is entitled to receive Rs. 1484 interest @ 12% from the date of retrenchment. Since, the management has not appeared to contest the claim, I leave the union to bear its own costs. Award is made accordingly.

R. S. VERMA, Presiding Officer

नई दिल्ली, 4 सितम्बर, 1996

का.आ. 2763.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन रैर अर्थ्स लि. के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचाट का प्रकाशित करती है, जो केन्द्रीय सरकार को 2/9/96 को प्राप्त हुआ था।

[I. T. 29512/6/93-आई.आर. (प्रिविज)]
जी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 4th September, 1996

S.O. 2763.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Indian Rare Earths Ltd. and their workman, which was received by the Central Government on 2-9-96.

[No. L-29012/6/93-IR (Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU, MADRAS

Thursday, the 1st day of August, 1996

PRESENT :

Thiru S. Thangaraj, B.Sc., LL.B. Industrial
Tribunal

Industrial Dispute No. 147 of 1994

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Indian Rare Earths Ltd., Manavalakurichy).

BETWEEN

The Workmen represented by
The President,
Mineral Workers' Union,
Manavalakurichy.

AND

The General Manager,
Indian Rare Earths Ltd.,
Manavalakurichy.

REFERENCE :

Order No. L-29012/6/93-IR (Misc.), dated 10-5-94, Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Tvl. Anna Mathew and G. Ramapriya, Advocates appearing for the workmen and of Tvl. S. Ramasubramanian and Associates, Advocates appearing for the management, upon perusing the reference, claim and counter statements and other connected papers on record and the Counsel for the workmen having made an endorsement for not pressing this dispute and recording the same, this Tribunal passed the following :

AWARD

This reference has been made for adjudication of the following issues :

"Whether the action of the management of I. R. E. Ltd., in imposing the punishment, of suspension on Shri M. Thankasamy justified. If not, to what relief the workman is entitled ?"

Parties were served with summons.

Counsel for Petitioner-union made endorsement not pressing the dispute. Endorsement recorded. I.D. dismissed as not pressed.

Dated, this the 1st day of August, 1996

S. THANGARAJ, Industrial Tribunal

COPY OF ENDORSEMENT MADE BY
COUNSEL FOR PETITIONER

The Petitioner-union is not pressing this Industrial Dispute. The dispute may be dismissed as not pressed.

Sd.|-

ANNA MATHEW,
Counsel for Petr. Union

1-8-96

नई दिल्ली, 4 सितम्बर, 1996

का.आ. 2764.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल मिनेरल डेवलपमेंट लि. के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जोधपुर के पंचाट

को प्रकाशित करती है, जो केन्द्रीय सरकार को 2/9/96 को प्राप्त हुआ था।

[सं. एल.—29012/83/95-आई.आर. (विविध)]

बी० एम० डेविड, डेस्क अधिकारी

New Delhi, the 4th September, 1996

S.O. 2764.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Jodhpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of National Mineral Development Corpn. Ltd. and their workman, which was received by the Central Government on the 2-9-96.

[No. L-29012/83/95-IR (Misc.)]

B. M. DAVID, Desk Officer

अनुबन्ध

सौ रोहित शिवशंकर अधिकरण एवं श्रम न्यायालय,
जोधपुर

पोजीशन अधिकारी: श्री महेन्द्र कुमार जैन, आर.एच.जे.एस.

केन्द्रीय औद्योगिक विवाद संख्या: 1/1996

श्री गोपबन्धन रोहित शाह, 493, शाह कटेज, चौथी बी
रोड, सरदारपुर, जोधपुर

—प्रार्थी

बगम

प्रोजेक्ट मैनेजर, नेशनल मिनेरल डेवलपमेंट लिमिटेड, पाल
लिक रोड, जोधपुर —अप्रार्थी
उत्पत्ति:—

(1) प्रार्थी को तरफ से कोई उपस्थित नहीं।

(2) अप्रार्थी तरफ से श्री शिवशंकर के.ए. अधिकरण उपस्थित।

अधिनियम

दिनांक: 2-27-1996

डेस्क अधिकारी श्रम मंत्रालय, भारत सरकार नई दिल्ली
ने प्रतीक मजदूरता संख्या एल. 29012/83/95 दिनांक
5-1-1996 के माध्यम से निम्न विवाद वास्ते अधिनियम
इस न्यायालय को प्रेषित किया है:—

“Whether the action of the management through Project Manager, N.D.M.C., Jodhpur in terminating the services of Shri N. Rohit Shaw with effect from 30-8-94 is legal and justified? If not to what relief is the concerned worker entitled and from what date?”

2. उक्त रिकॉर्ड्स इस न्यायालय में प्राप्त होने पर दिनांक 3-2-1996 को दर्ज रजिस्टर किया जाकर पक्षकारों को ज्ञापित नोटिस वनब किया गया। प्रार्थी स्वयं तथा उसकी तरफ से कोई प्रतिनिधि वास्तविक तारीख नोटिस दिनांक 25-4-96

व उसके पश्चात् नियत तारीख पेशी आज दिनांक 22-7-96 को न्यायालय में उपस्थित नहीं हुआ है न ही प्रार्थी की तरफ से आज तक मांग पत्र ही पेश किया गया है। इससे यही जाहिर होता है कि प्रार्थी इस प्रकरण को आगे चलाने में इच्छुक नहीं है तथा प्रार्थी व अप्रार्थी नियोजक के मध्य कोई विवाद शेष नहीं रहा है। अतः समस्त तथ्यों एवं परिस्थितियों को देखते हुए इस प्रकरण में नोटिसयूट एवार्ड पारित किया जाना उचित एवं न्यायसंगत प्रतीत होता है।

3. परिणामस्वरूप इस प्रकरण में “कोई विवाद नहीं अधिनियम” (नोटिसयूट एवार्ड) पारित किया जाता है।

4. इस अधिनियम को एक प्रति वास्ते सूचना एवं प्रकाशनार्थ श्रम मंत्रालय भारत सरकार, नई दिल्ली को भेजी जावे।

5. यह अधिनियम आज दिनांक 22-7-1996 को खुले न्यायालय में हस्ताक्षर कर सुनाया गया।

दिनांक: 22-7-1996 महेन्द्र कुमार जैन, न्यायाधीश

नई दिल्ली, 4 सितम्बर, 1996

का. आ. 2765 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बम्बई पोर्ट ट्रस्ट के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, बम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-96 को प्राप्त हुआ था।

[सं. एल.—31012/19/90—आई. आर. (विविध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 4th September, 1996

S.O. 2765.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bombay Port Trust and their workman, which was received by the Central Government on the 2-9-96.

[No. L-31012/19/90-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI PRESENT :

Shri Justice R. S. Verma, Presiding Officer

Reference No. CGIT-1/22 of 1991

PARTIES :

Employers in relation to the management of Bombay Port Trust, Bombay.

AND
Their Workmen

APPEARANCES :

For the Management.—Shri Nargolkar, Advocate.

For the Workman.—Shri Sunil Kharwal, Advocate.

INDUSTRY : Ports & Docks.

STATE : Maharashtra.

Mumbai, the 12th day of June, 1996

AWARD (Part-I)

The appropriate Government has referred the following dispute for adjudication to this Tribunal :

“Whether the management of Bombay Port Trust, Bombay are justified in dismissing Shri Mahadeo Vithal Bansode, Watchman, Security Organisation from service from April, 1988? If not, to what is the workman entitled ?”

2. The admitted facts of this case are that the workman Bansode joined the service of the Security wing of the Bombay Port Trust, herein-after the management, in 1978 as Watchman. On 2-3-85, he was posted for Watchman's duty at No. 6 shed of the Indira Open Docks. His duty commenced at 7.30 a.m. and he was to be on duty till 4 p.m. The workman did come to the said shed No. 6 of the Indira Open Docks some time in the morning. At about 1.30 noon he was seen attempting to go out of the premises with a Rexin bag. He was accosted by the Police at turnstyle gate and was detained. Woman constable Mrs. Khandare was sent to summon D. M. Kushale, Police Inspector attached to Y. G. Police Station, who reached the spot and saw the workman holding a rexin bag. D. M. Kushale summoned Panch witnesses and in their presence searched the bag in possession of the workman. 34 rubber fan belts, one Khaki cap and one Khaki shirt were also found in the bag. The Police Inspector seized the articles, apprehended the workman, lodged an FIR u/s. 124 of the Bombay Police Act, recorded the statements of witnesses and eventually challaned the workman to stand trial for the said offence before the appropriate Metropolitan Magistrate.

3. On 21-5-85, pending the investigation/enquiry/trial of the case, the workman was placed under suspension by order dated 21-5-85 w.e.f. 24-5-85. On 19-9-85, the concerned Metropolitan Magistrate acquitted the workman of the offence charged. Before the learned Magistrate, the explanation of the workman was that he had found the rexin bag in an abandoned condition

and he was taking the bag for handing it over at the chakri gate. Learned Magistrate accepting the said explanation as believable, acquitted the workman as noticed above. Now, I may narrate the facts which led to the present reference.

4. It appears that the management was not satisfied and issued a chargesheet dated 7-3-86/15-3-1986, which imputed misconduct to the workman in the following terms :—

“Shri Mahadeo Vithal Bansode was appointed as a Watchman No. 263 in the Security Organisation, Bombay Port Trust, with effect from 15-2-1978. On 2-3-1985 Shri M. V. Bansode was posted for duty at 6 Indira Dock Open in 1 shift (i.e. from 7.30 hours to 1600 hours). Shri Pradip Narayan Thanekar, Shed Superintendent, was posted at 6 I.D. Open on 2-3-1985. Shri M. V. Bansode when posted at 6 I.D. Open on 2-3-1985 did not report to the Shed Superintendent according to the established practice.

At about 13.30 hours on 2-3-1985 Shri M. V. Bansode was not in uniform and when he left his place of duty unauthorisedly, was intercepted and arrested by Police Head Constable No. 11992 attached to Yellow Gate Police Station for having in his possession 34 pieces of rubber fan belt's stolen from the docks while he was trying to go outside the docks through Turnstyle Gate. Shri M. V. Bansode was carrying the stolen property in a bag where the above mentioned Police Head Constable caught him. He failed to give satisfactory explanation about his possession of the stolen property.

Articles of Charges :

“From the foregoing, it is clear that Shri Mahadeo Vithal Bansode, Watchman No. 263, Security Organisation, has committed the misconduct of not reporting to the Shed Superintendent when he attended for duty at 6 I.D. Open on 2-3-1985, and the misconduct under Rule 22(1)(c) of the Rules and Regulations for Non-Scheduled Staff of Leaving his place of duty unauthorisedly and also committed misconduct under Rule No. 22(2)(b) and (g) of the Rules and Regulations for Non-Scheduled Staff and also violated Regulation 3(1) of the B.P.T. Employees (Conduct) Regulations, 1976.”

The chargesheet was annexed to Memo dated 7-3-86/15-3-86 asking the workman to submit a written statement of defence and informed him that if the charges were not admitted by him,

would be duly required into. These were accompanied with a list of witnesses and a list of documents proposed to be relied upon by the management.

5. The workman, by his written statement of defence dated 25/29-3-86 denied the charges and inter alia stated that he had sought the permission of Head Watchman to go out to cast his vote, since it was an election day. He found a rexin bag lying abandoned. He picked up the same and went with the bag to Chakri gate and told the Police that the bag was lying abandoned. He stated that he had accounted for the possession of the bag and had been acquitted by the trial Court and hence may be reinstated. He also requested that he may be allowed to be represented by an office bearer of the B.P.T. Employees' Union, of which he was a member.

6. Thereafter, an enquiry ensued at which management examined its witnesses. The charge-sheeted employees also examined his witnesses in defence. Both the sides were eventually heard, who also filed their written submissions. The Enquiry Officer considered the judgment of acquittal in the light of evidence adduced before him and held the workman guilty of all the charges by his report dated 23-7-1987.

7. The Disciplinary Authority considered the report of the Enquiry Officer and issued a memo dated 3-2-88 calling upon the workman to show cause why the proposed penalty of dismissal be not imposed upon the workman. The workman submitted a detailed representation dated March 5, 1988. The Disciplinary Authority considered this representation; he did not find the same satisfactory and imposed the penalty of dismissal on the workman by order dated 30th March, 1988. The workman appealed to the Chairman and this appeal was rejected by order dated 2-8-1988.

8. Aggrieved, an industrial dispute was raised; it did not meet with any success in conciliation and eventually was referred to this Tribunal as stated above.

9. The union filed its statement of claim on 5-7-91, wherein it challenged the legality and propriety of the domestic enquiry; it also challenged the findings of guilt as perverse and based merely on surmises and conjectures. It prayed that action of the management in dismissing workman Bansode be held not proper and not justified and the management be directed to reinstate the workman with full back wages and consequential benefits with interest @ 18% p.a. on all the monetary dues of the Workman.

10. The management has opposed the claim by filing a detailed reply to the statement of claim.

11. Both the sides did not lead any oral evidence and chose to argue the matter on the basis of documentary evidence available on record (see order sheet dated 7-9-95).

12. I have heard Shri Sunil Kharwal for the union and Shri Nargolkar for the management.

13. Shri Sunil Kharwal has vehemently urged that once the workman had been acquitted by the criminal court, a domestic enquiry could not have been made against the workman. His second contention is that findings of the Enquiry Officer are perverse and are not based on good evidence. Hence, the dismissal of the workman deserves to be set aside. Shri Nargolkar has countered these arguments with matched vehemence and has submitted that the enquiry held was in accordance with principles of natural justice; no procedural lacuna has been pointed out, the findings are based on a proper appreciation of evidence adduced at the domestic enquiry and can not be said to be bad or perverse.

14. I have given my earnest consideration to the rival contentions and have perused the record carefully.

15. The first and foremost contention of Shri Kharwal is that once the workman had been tried and had been acquitted on the charge of unlawfully possessing the rexin bags containing 34 fain belts, he could not have been held guilty of the self same charge in a domestic enquiry. As against this Mr. Nargolkar points out that the evidence adduced at the trial of the criminal case was inadequate; the management had no control over the prosecution at the criminal trial; there was full and complete evidence at the domestic enquiry, which fully established the guilt of the workman; the two sets of evidence were not identical and self same; hence, the acquittal, which was based on incomplete evidence did not vitiate the domestic enquiry and the enquiry held in the present case was legal and proper.

16. Now, I may notice the precedents cited at the Bar in support of the rival contentions.

In 1995 I CLR 225 Sulekh Chand Salek Chand versus Commissioner of Police etc., the appellant was prosecuted for offence under Section 5(2) of Prevention of Corruption Act. He was acquitted of the charge on merits. A domestic enquiry was commenced on that very charge but that too was dropped. However, the D.P.C. promoted the appellant, not with effect from the date he was due for promotion, but with effect from a later date, on the ground that he was prosecuted for the said offence and an adverse ACR had also been communicated to the appellant. In these circumstances, the apex Court held :

"The material on the basis of which his promotion was denied was the sole ground

of the prosecution under Section 5(2) and that ground when did not subsist, the same would not furnish the basis for D.P.C. to overlook his promotion. We are informed that the departmental enquiry itself was dropped by the respondents. Under these circumstances, the very foundation on which D.P.C. had proceeded is clearly illegal. (emphasis mine).

A bare perusal of this precedent would show that in that case besides the acquittal, the domestic enquiry too had been dropped but the factum of prosecution was used to deny the appellant promotion with effect from the date it was due. The facts of the present case are clearly distinguishable and do not afford any assistance in the present case.

17. In *Kushishwar Dubey Vs. Bharat Coking Coal Ltd. and others*, (Civil Appeal No. 3129 of 1988 decided on 6-9-88 by the apex Court) the workman was subjected to a domestic enquiry as well as a criminal trial on the charge that he had assaulted a Supervisor. The workman filed a civil suit asking for an injunction staying the domestic proceedings during the pendency of the criminal trial. The Muisif granted the injunction prayed for. The appeal against the order granting injunction was dismissed. In revision, the High Court vacated the order granting injunction. Aggrieved the workman filed an S.L.P. before the apex court. The apex Court noticed that there were authorities taking a view that during the pendency of the criminal case, domestic enquiry should be stayed and there were also rulings to the effect that there is nothing wrong in parallel proceedings. The apex Court after noticing this fact, went on to observe :

"The view expressed in the three cases of this Court seem to support the position that while there could be no legal bar for simultaneous proceedings being taken, yet, there may be cases where it would be appropriate to defer disciplinary proceedings awaiting disposal of the criminal case. In the latter class of cases it would be open to the delinquent employee to seek such an order of stay or injunction from the Court. Whether in the facts and circumstances of a particular case there should or should not be such simultaneity of the proceedings would then receive judicial consideration and the Court will decide in the given circumstances of a particular case as to whether the disciplinary proceedings should be interdicted, pending criminal trial. As we have already stated that it is neither possible nor advisable to evolve a hard and fast, straight jacket formula valid for all cases and of

general application without regard to the particularities of the individual situation. For the disposal of the present case, we do not think it necessary to say anything more, particularly when we do not intend to lay down any general guideline.

8. In the instant case, the criminal action and the disciplinary proceedings are grounded upon the same set of facts. We are of the view that the disciplinary proceedings should have been stayed and the High Court was not right in interfering with the trial court's order of injunction which had been affirmed in appeal".

The aforesaid observations go to show that the apex Court itself did not consider it proper to lay down any general guide line and the case turned upon the particular facts of that case. Thus, this precedent also does not help the case of the workman.

18. In 1991 II CLR 131 *Suraj Bhan Vs. Food Corporation of India*, their Lordships of the High Court of Delhi expressed a view that "it is now a well settled position in law that the departmental proceeding can not be held on identical charges as that of a criminal trial in which the person is acquitted". On this short ground, the Division Bench of the High Court quashed the unpending departmental proceedings. The report of the case does not indicate if the evidence sought to be adduced at the domestic enquiry was the self same that had been adduced at the criminal trial or there was some additional evidence, not adduced at the trial, which was sought to be adduced at the domestic enquiry.

19. I would like to observe that in such matters, truly speaking, there can not be any hard and fast rule. It shall depend upon the individual facts of each case whether after an acquittal, the departmental enquiry should proceed or not. It is to be remembered that trial in a criminal case is in no way under supervision of the management. If the prosecutor chooses not to produce weighty and clinching evidence and withholds the same, even though available, then even so called honourable acquittal may be of no avail, if at a subsequent or even previous domestic enquiry, such evidence is adduced and is considered and is found adequate to sustain a finding of guilt. It does not appear that any such facts were present in the Delhi case; while according to the management, in the present case, certain important witnesses were not examined at the criminal trial, but had been examined at the domestic enquiry, and the evidence so adduced was sufficient to sustain the finding of guilt.

20. My view finds support from the following observations of the Bombay High Court expressed in *Chandrakant's case* (1995 I CLR 860),

"Apart from the above judgments, it may also be mentioned that now it is well settled by various decisions of the Supreme Court that where the accused is acquitted honourably or completely exonerated of the charges in criminal cases, it would be inexpedient to hold departmental inquiry on the same charges or the grounds or evidence but merely because the accused is acquitted the power of the Authority concerned to continue the inquiry is not taken away and if there is an independent material to show that the delinquent can still be prosecuted under the disciplinary inquiry then the inquiry can still proceed." (emphasis mine).

This case is thus, of no assistance to the workman.

21. This very view was propounded in 1994 II CLR 737—Jaywant Bhaskar Suwant and it was stated as follows :

"It is undoubtedly well settled law that there is no legal bar to the continuation of disciplinary proceeding in an appropriate case merely because of the charge-sheeted employee having been acquitted at the criminal trial. At times the accused is given benefit of doubt. Some times the accused may be acquitted on a technical ground like lack of sanction. If, however, the accused is honourably acquitted by the Criminal Court, the departmental authorities are under an obligation to attach considerable weightage to the verdict of the Criminal Court. Normally it would not be expedient to continue the departmental inquiry of the said facts once the charge-sheeted employee is honourably acquitted at the criminal trial. It is, however, possible in the realm of theory that the departmental authorities may be justified in continuing the inquiry for a cause notwithstanding the honourable acquittal of the accused. It is, however, totally erroneous to observe as observed by the Enquiry Officer in his report that the findings recorded at the criminal trial are totally irrelevant in the departmental inquiry."

22. Now, in the present case, I find that the Enquiry Officer did consider the judgment of acquittal recorded in the favour of the workman. He observed :

"According to the CSE he has been acquitted by the Metropolitan Magistrate's Court Ballard Pier. However, the order of the Addl. Chief Metropolitan Magistrate,

16th Court Ballard Estate is not binding on a domestic tribunal especially when an important eye-witness PW No. 4 (who has fully corroborated the evidence of PW Nos. 2 & 5) has been dropped in the Court proceedings."

Thus, I find that the proceedings of domestic enquiry were not vitiated merely because the workman had been acquitted of the charge of attempting to remove the fan belts contained in the bag seized from him. Very material and important witness, whose evidence was relied upon by the Enquiry Officer, was not examined at the trial at all. And this made all the difference. Hence, I find that the domestic enquiry held against the workman is not vitiated because of the fact that the workman had been acquitted of the criminal charge.

23. Here, I may state that my learned predecessor had framed the following issues :

- (2) Whether the findings are perverse ?
- (3) Whether the order of dismissal is otherwise justified and whether the punishment is disproportionate ?

To my mind, in view of the dictum in *E. Merck (P) Ltd. Bombay Vs. V. N. Parulkar and ors.* 1991 II CLR 73 (81), the issues should have been :

- (2) Whether the charge of misconduct levelled against the workman is proved to the satisfaction of the Tribunal by acceptable evidence ?
- (3) Whether the punishment inflicted on the workman is justified ?

I accordingly reframe the two issues as above. The matter may now be listed for hearing the parties on the said issues on 1st July, 1996.

R. S. VERMA, Presiding Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice R. S. Verma, Presiding Officer
Reference No. CGIT-1/22 of 1991

PARTIES :

Employers in relation to the management of Bombay Port Trust, Bomay.

AND

Their Workmen

APPEARANCES :

For the Management.—Shri Nargolkar, Advocate.

For the workman.—No appearance.

STATE : Maharashtra.

Mumbai, the 13th day of August, 1996

AWARD (Part II)

1. By award dated 12th June, 1996, I have held that the domestic enquiry held against the workman Mahadeo Vithal Bansode was fair, proper and legal. The award gives the relevant facts giving rise to this part-II award and shall be treated as an integral part of this award. The facts which have been narrated in part-I award are not being repeated here.

2. By the said award, the following issues were left undecided and I propose to decide them now by this Part-II award :

“(2) Whether the charge of misconduct levelled against the workman is proved to the satisfaction of the Tribunal by acceptable evidence ?

(3) Whether the punishment inflicted on the workman is justified ?”

3. The gist of the charge framed against the workman was that on 2-3-85, he was posted for Watchman's duty at Shed No. 6 of the Indira Open Docks. His duty commenced at 7.30 a.m. and he was to remain on duty till 4 p.m. However, at about 1.30 noon, he was seen attempting to go out of the premises with a Rexin Bag. He was accosted by the Police at turnstile gate (Chakrigate) and was detained. He was, on search to Police attached to Y. G. Police station was found in possession of 34 rubber fan belts, one Khaki Cap and one Shirt was also found in the bag.

4. The workman did not deny that he was apprehended with a rexin bag containing 34 fan belts, a cap and a shirt but his explanation was that he had found the rexin bag and was taking it for handing over to the Police and was apprehended meanwhile.

5. At the domestic enquiry, the management examined PW1 D.N. Khushale, PW2 Raman Hariba Kirat, PW3 Pradeep Narayan Thanekar, PW4 Parkash Bapu Sawant, PW5 Anil Gopinath Bhatkar and PW6 Vijay Damodar Deshpande. Some documentary was also adduced. The workman examined DW1 Ramchandra P. Jadhava and himself as DW2.

6. At the outset, I may state that standard of proof to establish a charge in domestic enquiry is not as strict as in a criminal case. In a criminal case, the charge has to be established beyond reasonable doubt. In a domestic enquiry, the charge has to be established on basis of preponderance of probabilities. Moreover, certain evidence which may not be admissible at a criminal

trial would still be acceptable evidence at a domestic enquiry. It would be in this perspective that the evidence adduced at the domestic enquiry shall have to be evaluated.

7. I am aware that if an accused is honourably acquitted in a criminal case, then ordinarily he is entitled to be exonerated in a domestic enquiry. However, if the evidence adduced at the domestic enquiry is not identical but is different and establishes the charge, the person can be still held guilty of the charge.

8. PW2 Raman Hariba Kirat is the most important witness of the case. It was he who had checked the workman, while he was coming out of the chakri gate. The material portion of his testimony is as follows :—

“On 2-3-85 I was attached to the Yellowwage Police Station and I was posted for duty at Yellowgate chakri from 8.00 a.m. to 8.00 p.m. It was my duty to check the persons moving out and going in through the chakri. At about 1.15 p.m. the CSE was moving out from the docks. He was carrying rexin bag in his right hand. I stopped the CSE at the chakri and requested the CSE to open his bag. However, the CSE refused to open the said bag. The CSE informed me that he was a BPT Watchman (at that time the CSE was not in uniform) and refused to open the bag. I, therefore, was suspicious. I informed Woman Constable No. 93 and requested her to intimate the Duty Officer at the Y|gate Police Station. After some time Shri Kusale came from the Y|gate Police Station alongwith his staff, and P/C No. 93. In the meantime I had detained the CSE at the place of the incident. Thereafter, in the presence of the panchas the rexin bag was opened and 34 rubber belts (fan belts) were found. There were 29 thick fan belts and 5 thin belts. They were Made in Germany. In the rexin bag there was also a Watchman cap and a shirt (uniform). The CSE was interrogated as to from where the said goods were stolen by him. The CSE informed that the said materials were brought from inside the docks. However, the CSE did not gave proper reply in interrogation. Thus we draw a conclusion that the said material was stolen by the CSE from the docks. Thereafter, the said materials along with the CSE were taken into custody and the CSE arrested and taken to the Police Station.”

This witness was subjected to cross-examine but nothing has been elicited which may go to shake his testimony. Question No. 2 put to him in cross-examination and answer given thereto goes to strengthen the case of the department. It is worthwhile to quote the same. It reads as follows :

Q. 2 I put it to you that the CSE had told at the gate that he picked up the bag while taking round in the docks and was taking the same to handover the same at the chakri gate. What have you to say.

A. He did not tell me anything as stated above. However, the CSE informed me that he wanted to go out of the gate and I told him that until and unless he showed me the bag he will not be allowed to go out."

It has not been shown that enmity with the workman. that this important witness was prosecution at the criminal trial, as would be evident from the copy of the judgment of the Metropolitan Magistrate dated 19-9-85, placed on record by the workman as annexure 'B'.

9. Prakash Baba Sawant is the other witness, who was present on the spot when the workman was accosted by witness R. H. Kirat. He also corroborates the testimony of the earlier witness. This witness was also not examined at the criminal trial, which is quite surprising. The initial conduct of the workman in not opening the bag when asked to open the same goes to show his criminal intention.

Anil Gopinath Bhatkar, who also reached the spot corroborates this testimony.

10. Now, the conduct of the workman on being accosted by this witness is very material and establishes the guilt of the workman. The statement of this witness is amply corroborated by the testimony of PW1 Dasarat Kushale who had reached the spot soon afterwards, on being summoned to the spot. He has stated as follows :

"I know CSE. On 2-3-85 I was attached to YG Police Station. On that day I was on Station House duty from 8 a.m. to 8 p.m. At about 1 p.m. or so Woman Head Constable No. 93, Mrs. Kandari came to the Police Station and reported that one W|man was caught at Yellow gate YG Chakari by PN No. 11992. On receipt of the said information I visited the place and saw the CSE he was holding a rexin bag in his right hand. On seeing this I immediately summoned two panchas and in their presence his bag was searched. When the said bag was found containing 29 big and 5 small pieces of rubber fan belts made in

Germany. I also noticed one Khaki shirt and cap in the bag. He was then questioned about the said property but he could not give any satisfactory reply. I then recorded the statement of PN 11992 and brought the said accustomed with the property to the police station. Before recording the statement the panchanama was drawn inside the Yellow-gate chakri. I draw the panchanama at about 1.30 to 2.00 p.m. and thereafter obtained the signature of the panchas thereon."

Nothing has been elicited in cross-examination of this witness, which may go discredit his testimony.

11. Exh. 3 is a written report of interrogation signed by the accused workman, wherein he stated as follows :

"I am as above and resides at above given address. I am working in BPT as a Security Watchman and my buckle No. 263. I am working in BPT since last 10 years. Today, i.e. on 2-3-1985 at 8.00 a.m. I reported for duty at Booking Office (Zonal Office). I directed by duty clerk to go to 6 Indira Dock open area for patrolling. While I was patrolling around cargo in open place 6 Indira Dock. I noticed 34 big and small fan belt made in Germany were lying hidden below the cargo so I took 34 fan belt and kept in my rexin bag at about 12.30 a.m. At about 1.00 p.m. or so while I was passing through Chowki Yellow Gate, I was detained by Police while on duty and asked me to show the bag but I refused to show him. He then detained me and informed to Yellow Gate Police Station. S. I. Kusale arrived on the spot and took charge of rubber fan belt under panchanama.

I admit and pray for mercy."

This document contains a complete admission of the guilt of the workman. The workman has not explained as to why he made the admission contained in this statement.

12. The explanation of the workman in his statement was that he had found the rexin bag in an abandoned condition and was taking the same to be delivered to the police. However, his conduct on being accosted is not consistent with the explanation and it appears that the explanation was an immediate after thought on being detained. The testimony of his witness R. P. Jadhava does not help his case in any material way. I, therefore, find that the charge against the workman has been substantially proved. The defence of the workman is merely an immediate

afterthought to save his skin and and does not inspire confidence and I reject the same.

13. Now, I may consider the question of punishment. Expansive properties received in the dockyards need protection. The workman deputed to keep watch on the properties lying unattended in the docks are expected to act and behave in an exemplary manner. Theft or pilfering of property lying in the docks is a very grave offence. In my opinion, punishment of dismissal was the only proper punishment to be inflicted in the case. I, therefore, find that the punishment inflicted on the workman is quite just and proper and the workman is not entitled to any relief at the hands of this Tribunal. I make an award accordingly.

R. S. VERMA, Presiding Officer

नई दिल्ली, 4 सितम्बर, 1996

का. अ. 2766 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता पोर्ट ट्रस्ट के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-96 को प्राप्त हुआ था।

[सं. एल.-32012/7/95--प्रार्थ. आर. (विविध)]
बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 4th September, 1996

S.O. 2766.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust and their workman, which was received by the Central Government on the 26-8-96.

[No. L-32012/7/95-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 14 of 1996

PARTIES :

Employers in relation to the management of Calcutta Port Trust

AND

Their Workmen

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding Officer

APPEARANCES :

On behalf of Management—Mr. G. Mukhopadhyaya, Senior Labour Officer (Industrial Relation Officer) and Mr. M. K. Das, Industrial Relations Officer.

On behalf of Workmen—Mr. B. Banerjee, Secretary of the Union.

STATE : West Bengal INDUSTRY : Port

AWARD

By Order No. L-32012/7/95-IR(Misc.), dated 30-5-1996, the Central Government in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the CPT Management to change the status of the vacancy of Laskar in the case of Shri Nirupam Ghosh from “regular-temporary likely to be permanent to “contractual and purely temporary and adhoc basis” is justified ? If not, what relief the employee concerned is entitled to ?”

2. Today was the first date after the case had been registered in this Tribunal on 20-6-1996. Today was fixed for filing of the written statement by the workman and to submit list of documents they rely on as well as the list of witness they wanted to examine in the case.

3. When the case was called, the management is represented by Mr. G. Mukhopadhyaya, Senior Labour Officer (Industrial Relations), Calcutta Port Trust. The letter of authority has also been given in favour of Mr. M. K. Das, Industrial Relations Officer. The workmen appeared through Mr. B. Banerjee, Secretary of the Union.

4. Earlier a petition had been received by this Tribunal on 30th July, 1996 under the signature of Shri Nirmal Das Gupta, General Secretary of the Union stating therein that the very source of the dispute had been eradicated after the matter has been discussed between the parties and settlement had been arrived at mutually. In the circumstances, the Union prayed for permission not to proceed with the matter any further.

5. When the case is called today, the representative of the workman Mr. B. Banerjee is present

and in presence of Mr. G. Mukhopadaya, the representative of the management, the petition had been taken up. Both the parties agreed that since no dispute existed any more, the Tribunal may pass a "No Dispute" Award.

6. Accordingly, I pass this "No Dispute" Award and dispose of this reference.

K. C. JAGADEB ROY, Presiding Officer

Dated, Calcutta,

The 8th August, 1996.

नई दिल्ली, 4 सितम्बर, 1996

का. अ. 2767 --औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-96 को प्राप्त हुआ था।

[संख्या एल-40011/13/93-आई. आर. (डीयू)]

के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 4th September, 1996

S.O. 2767.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Mumbai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telecom and their workman, which was received by the Central Government on 3-9-1996.

[No. L-40011/13/93-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI
PRESENT :

Shri Justice R. S. Verma, Presiding Officer
Reference No. CGIT-1/31 of 1994

PARTIES :

Employers in relation to the Management of
Telecom Department, Belgaum

AND

Their Workmen

APPEARANCES :

For the Management—Shri Shashi Kant
Joshi, Advocate

For the Workman—Shri Ashok Kambi

STATE : Karnataka INDUSTRY : Telecom
Mumbai, dated the 14th day of August, 1996

AWARD

The appropriate Government has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Chief General Manager (Maintenance), Western Telecom Region, Bombay in relation to its K-Fort Microwave Repeater in terminating the services of S/Shri Vittal D. More and Vishnu A. Kambale, casual mazdoors is justified? If not, what relief the workmen concerned is entitled to?"

2. The case of the workmen is that they joined the services under the Telecom Department at K. Fort in 1977 and served the same for the period 1977 to March, 1987. It was pleaded that their services were terminated abruptly on 31st March 1987 by an oral order without complying with the provisions of Section 25-F of the Industrial Disputes Act and the termination was altogether void. In support of their claim of continuous service, they appended with the statement of claim, a statement Ex.-A issued by the Assistant Engineer, Microwave Belgaum dated 6th August, 1992.

3. It was also pleaded that there were at least four workmen junior to the claimants, who had been regularised in service ignoring the claims of the claimants. The particulars in respect of these workmen have been given in para 4 of the claim petition and deserve to be reproduced :

"Name	Date of Appointment
(a) Sri G. M. Kulkarni	23-02-1982.
(b) Sri A. T. Phaniband	01-11-1983.
(c) Sri N. S. Sutar	01-02-1984.
(d) Sri S. M. Momin	01-03-1984."

4. It is pleaded that in regularising the four workmen, provisions of Section 25-G of the I.D. Act which embody the principle 'last come first go' has been violated. Upon such premises, the workmen claimed reinstatement with back wages.

5. The management disputed the claim of the workmen. It was admitted that the workmen had been appointed as casual labour. Correctness of Ex. A filed by the workmen was not disputed. It was pleaded that the workmen had been appointed to work on a casual basis for repairs of an approach road and when the repair work was over, the workmen claimants were in excess and their services were discontinued. It was admitted that due to inadvertance, the retrenchment compensation

was not paid. As regards the four workmen, who had been regularised, it was pleaded that they had been appointed as Chowkidars.

6. It was pleaded that the workmen were out of employment since April, 1987 and have approached the Tribunal on 7-5-1994 and thus the claim is belated and there is no explanation for the delay. Upon such premises, it was urged that the claim of reinstatement and back wages should be rejected.

7. The workmen in support of their claim filed affidavit of one of the workmen viz. Vishnu Appaji Kamble. In documentary evidence, they placed Ex. A-1, duly verified by Assistant Engineer, Microwave, Belgaum on 06-08-1992. In rebuttal, the management examined MW-1 P. K. Prabhu who has been cross-examined by the union representative.

8. I have heard the learned representatives of two parties. As already stated, the management has not disputed the correctness of Ex. A filed by the union. Ex. A deserved to be reproduced in material particulars, which read as follows :

"The particulars of No. of days worked by the said Ex-Casual Mazdoors in this subdivision on Muster-Roll as per the office records (year wise) is as shown below:—

Year	Vithal More	Vishnu Kamble
1977-78	169 (Dec. days not pu)	262
78-79	217 (June, July, Aug, Sep. not taken on M/R)	113 (Oct., Nov., Dec. 78 & Jan. 79 days not noted on M/R)
79-80	358	362
80-81	346	360
81-82	358	355
82-83	360	360
83-84	364	365
84-85	365	365
85-86 Feb	332	306
Oct 86—March 87	177	178

NOTE: Sri Vithal More had worked during Dec. 77 & June to Sept. 78 but there is not entry of the days he had worked in the dialy. Like-wise Sri Vishnu Kamble, though he had worked during Oct. 78 to June 79 there is no entry in the work dialy.

BELGAUM.
6 Aug. 1992.

Sd/-
Assistant Engineer,
Microwave, Belgaum-590001"

9. One thing, which stands proved from Ex. A is that Vittal More served for some period in 1977/78 which came to 169 days. Thereafter, he served each year for number of days specified in the second column. He continued to serve so till February 1986. Then there was a long break and

he rejoined in October 1986 and worked till March 1987 for 177 days. Almost similar is the position in respect of Vishnu Kamble. He also worked till February 1986 and then there was a break and he served again from October 1986 to March 1987 for 178 days. Though the management admitted in its reply that there had been no compliance with the provisions of the I.D. Act, one thing stands out very clearly in this case. The workmen neither pleaded nor proved that they had worked for more than 240 days continuously within one year preceding the date of termination of their services. Section 25-F of the I.D. Act is attracted only when a workman has been employed for more than 240 days continuously in a year, preceding the date of termination. This is the result which follows from reading Section 25-F of the I.D. Act along with Section 25-B of the Act, which defines, what a continuous service is. As already stated Ex. A was filed by the union in support of their case. This Ex. A shows a clear break between March 1986 to September 1986. Both the workmen remained in job upto February, 1986 and rejoined in March 1987. It has not been pleaded and proved that this long break was artificially and intentionally given by the management. In view of this factual position, Section 25-F of the I.D. Act was not attracted at all and the plea of the management that provisions of this section could not be complied with due to inadvertance, does not advance the case of the workmen at all.

10. A grievance was raised that four junior workmen had been regularised ignoring the claim of the workman. This dispute has not been referred to this Tribunal by the appropriate Government. This Tribunal has limited jurisdiction and has to confine itself to the dispute referred to it. The Tribunal, thus, can not look into this grievance of the workmen.

11. The workmen were given terminating orders on 31st March, 1987. They kept silent over a long period. The dispute has been referred only in 1994. Thus the claim is a stale one. However, that is not the ground upon which I am deciding the case. Suffice it to say at cost of repetition that the workmen neither alleged nor proved that they had been in continuous service for more than 240 days within a year preceding the termination. Hence Section 25-F of the I.D. Act was not attracted. A wrong concession by the management that this provisions could not be complied due to inadvertance does not advance the case of the workmen. Long break between March 1986 to September 1986 has not been explained by the workmen.

12. The result is that the workmen have failed to prove that termination of their services was wrong or illegal. The workmen are not entitled to any relief. Award is made accordingly.

R. S. VERMA, Presiding Officer

नई दिल्ली, 4 सितम्बर, 1996

का. आ. 2768 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम टी एन एल के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, बम्बई केपचनट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-96 को प्राप्त हुआ था।

[संख्या एल—40012/156/93-आई. आर. (डी यू)]

के. वी. बी. उण्णी, डैस्क अधिकारी

New Delhi, the 4th September, 1996

S.O. 2768.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Bombay as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of MTNL and their workman, which was received by the Central Government on 3-9-96.

[No. L-40012/156/93-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.
Reference No. CGIT-2/58 of 1994

BETWEEN :

Employers in relation to the Management of
M.T.N.L., Bombay.

AND

Their Workmen,

APPEARANCES :

For the Management: Mr. V.S. Masurker, Advocate.
For the Workmen : Mr. B. W. Vaidya, Advocate.
Mumbai, dated 21st August, 1996

AWARD

The Government of India, Ministry of Labour by its order No. L-40012/156/93 (IRDU), dated 16th November, 1994, had referred to the following Industrial Dispute for adjudication.

“Whether the action of the management of Mahanagar Telephone Nigam Ltd., in retrenching of service of Shri Shivpujan R. Yadav casual labour from September 1984 is justified? If not, to what relief the workman is entitled?”

2. S. R. Yadav, the workman pleaded that he was employed as a casual labourer in the external department of Assistant Engineer (External) III Vile

Parle, Telephone Exchange on or about July, 1993. He worked there till August, 1984. In this period he had completed 307 days. Somewhere in September, 1984 the Assistant Engineer did not permit him to work and informed that his services were not required and he would be given work whenever possible.

3. The workman asserted that as he had completed 240 days in 12 months immediately before September, 1984 he was entitled for retrenchment compensation as per the provisions of Section 25F of the Industrial Disputes Act of 1947. He was also not given a notice pay of one month wages at the time of retrenchment. He approached the authorities and requested them for an employment. Instead of giving the appointment he was given a certificate on 9-3-85. It shows the details of working days of the worker. The worker continued to make requests to the management for giving him the employment but without any results.

4. On 24-2-92, the workman wrote a letter to Assistant Engineer (External), Vile Parle, General Manager, M. T. N. L. on the “Sub : Illegal retrenchment and resumption of duty”. In the said letter he asserted that in view of the circular dated 28-10-91 issued by AMS-IV/TM, he is entitled for all back-wages and continuity in service. But it was without any result. Thereafter on 24-3-92 he wrote a letter to the Assistant Labour Commissioner on the same subject. He admitted the dispute for conciliation.

5. The Assistant Engineer (Legal Cell) by his letter dated 26-6-92 informed the Labour Commissioner that the worker is not entitled for reinstatement in service as he had not completed 240 days as required. It is averred that the casual labour did not report to the duty and remained absent on his own accord and discontinued the services. In other words they rejected the claim of the worker. Ultimately the Assistant Labour Commissioner send his failure report to the ministry.

6. The worker pleaded that in view of the above stated facts the action of the M.T.N.L. or D.O.T. was totally unjustified in terminating the services of the workman from September, 1984. The workman tried to get a work and employment, but could not succeed. He prayed that as the action of management is illegal and unjustified he is entitled to reinstatement in service with full back wages.

7. The management resisted the claim by the written statement (Exhibit-5). It is averred that the workman did not complete 240 days in a year as contemplated under the Act. There are many breaks in his service which clearly go to show that he is not a continuous worker as contemplated under the Act. It is averred that after August, 1984 the worker did not turn up for job at all. Infact he voluntarily abandoned the service and the said fact is clear from the fact that he did not make any representation till 24-2-92 i.e. for 8 years continuously. It is submitted that he obtained the certificate of the working days for getting another employment. It is averred that there is no question of application of any of the provisions of retrenchment. It is pleaded that in view of the Supreme Court directions and the Policy of the Telecommunication

that fresh recruitments were not permitted. The temporary labourers who were already in employment were given jobs. There are about 17,000. The fact that the worker could not get the employment itself goes to show that he did not approach the authorities at the proper time. It is averred that in view of the different resolutions the worker is not entitled to reinstatement in service with full back wages. It is asserted that the assertion of the worker that he orally requested the opposite party for reinstatement of jobs is absolutely false. For all these reasons it is submitted that the reference may be dismissed with cost.

8. The issues that fall for my consideration and my findings there on are as follows:

Issues	Findings
1. Whether the Tribunal has jurisdiction to decide the reference ?	No.
2. Whether the action of the management of M. T. N. Ltd. in retrenchment of the service for his service of Shri Yadav casual labourer from September '94 is justified ?	Does not survive if the worker left own reasons.
3. If not, to what relief the workman is entitled ?	Does not survive if survives, as mentioned in reasons.

REASONS

9. It can be seen that the issue of jurisdiction came to be raised after the decision in Theyyam Joseph's case 1996 II Supre, 487. Infact the workman was aware that he has to meet with the case of jurisdiction in view of the above said authority. Mr. Vaidya, the Learned Advocate for the worker had argued the matter in length on this point. According to him the Joseph's Judgement is per incuriam in as much as the Judgement has not taken into consideration or analysed or referred to the provisions of Judgement of large benches of the Supreme Court. Hence it is not binding force. I am not including to accept this proposition because in Joseph's case there is clear cut inference to the effect that postal department and the telecommunication are not industries.

10. Mr. Vaidya, the Learned Advocate for the worker argued that in 'Punjab Land Development and Reclamation Corporation Ltd., Chandigarh V/s. Presiding Officer and 8 Ors. 1990 3 SCC 682' it is observed by Their Lordship that non-reference of earlier larger bench decision of the Supreme Court subsequent decision will be as per incuriam only if the ratio of the earlier decision is no conflict with it. He further submitted that in 'Mattulal V. Radhe Lal (1974) SC 159' and in the case of 'State of West Bengal V. Ramchandra Trivedi AIR 1976 SC 2547'. It is observed that contrary decision of the Supreme Court Forum decision of a larger bench then the latter forum decision should be followed. On the basis of these authorities he submitted that in the 'Hospital Mazdoor Sabha V/s. State (1960) 1 LLJ 251' and in the case of 'Bangalore Water Supply

and Sewerage BD V. Rajappa (1978) 2 SCC 294. Their Lordships observed that in view of the directive principles enumerated in Part-IV of the constitution and in view of the ideal of the welfare state which has been placed before the country the Government so that the level of states as well as the centre, undertake several welfare activities, and the argument is that the field of Government and legal activities which are excluded from the operation of section 2(j) should be extended to these to cover other activities undertaken by the Government in pursuit of their welfare activities. Their Lordship observed that in their opinion the contention cannot be accepted. It sounds incongruous and self contradictory to suggest in the interest of social and economic progress of the country as beneficial measures should be exempted from the operation of the Act which is substance is a very important beneficial measure itself. In Bangalore Water Works Their Lordships have observed that even the departments discharging sovereign function if there are units which are industries and they are substantially severable then they can be considered to come within section 2(j) of the Act. It is therefore, submitted that the observation of Their Lordships in Joseph's case should not be followed by the Tribunal. I am not inclined to accept this submission. It is because in the above said authorities the principle is laid down on which basis the activity has to be called as an industry or not.

11. In Joseph's case Their Lordships observed "India as a sovereign socialist, secular democratic republic has to establish an egalitarian social order under rule of law. The welfare measures partake the character of sovereign functions and the traditional duty to maintain law and order is no longer the concept of the Directive principles of State Policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State is to provide telecommunication service to the general public and an amenity, and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry."

12. It is not in dispute that telecommunication means communication over a distance by cable, telegraph, telephone or broad casting. Therefore like the posts the M.T.N.L. is not an industry.

13. Mr. Vaidya, the Learned Advocate also placed reliance on Judgement in writ petition Nos. 1584 of 1991; 3121 of 1991; and writ petition No. 3122 of 1980 of the High Court of adjudicature of Bombay. Nagpur Bench, Nagpur. In those petitions. Their Lordships in categorical terms had observed that Nagpur Telephones is an industry. It can be seen that, that was adjudgement of the Bombay High which is obviously binding on this Tribunal. But it can be seen that the Joseph's case being case of the Supreme Court I have to follow the same. Under such circumstances the M.T.N.L. is not an industry. Obviously the dispute between M.T.N.L. and its employee cannot be an industrial dispute. As that is so the Tribunal had no jurisdiction to decide the reference.

14. For the sake of argument if it is said the tribunal had jurisdiction to decide the reference I intend to decide the remaining issues. S. R. Yadav,

the workman affirmed that he worked continuously for more than 240 days from August, 1983 to August, 1984. Jacob (Exhibit-11), the Asstt. Engineer denied it. But Jacob admits the certificate (Exhibit-4|2) issued to the workman by the Asstt. Engineer on 9-3-85. It is for the period August, 1983 to August, 1984. It means it is for 13 months. Admittedly for September, 1984 Yadav was not employed. For counting 240 days last 12 months had to be taken into consideration i.e. from September, 1983 to August, 1984. In September he did not work but for the remaining eleven months the total days comes to 263 days. It can be seen that in the month of April he did not work at all. Taking into consideration this calculation it has to be said that Yadav worked for more than 240 days in a year. It is argued on behalf of the management that there are three spans of services. So far as Yadav is concerned, according to them in August he worked for 31 days. Then there is a break in September, then from October, 1983 to March, 1984. Then he did not work in April 1984 and again from May, 1984 to August, 1984 he worked. According to them as there is no continuous working period of 12 months he is not entitled to any benefit as claimed by him. I am not inclined to accept this submissions. It is for the simple reason that 12 months are given as a long period. But if the person completes 240 days in a shorter period than that, then obviously he has to be called as a continuous worker contemplated under section 25-B of the Act. Yadav affirmed that he was not given work from September, 1984. He was repeatedly approaching the management for getting the employment but he was not provided with the same. On the other hand Jacob affirmed that the worker never turned up. But he admits the fact that he was not personally present there. But he deposed on the basis of the record which is available. It is tried to argue by Mr. Vaidya, the Learned Advocate for the worker that in that case the management should have examined the concerned officers as they had failed to examine them adverse inference has to be drawn. I am not inclined to accept this. There are reasons for the same. It can be seen that from September '84 till the application made to the Assistant Labour Commissioner i.e. till 24-3-92 (Exhibit-4|4) no steps were taken by the worker in writing. No doubt there is a letter dated 24-2-92 (Exhibit-4|3) which was addressed to the worker of M.T.N.L. But it is the case of the management that they did not receive it. Even for the sake of arguments it is stated that they did receive it. Even in that case it has to be said that till February, 1992 no steps were taken by the worker. In other words he kept quiet for 8 years. It is unbelievable that a person who gives a notice in the year 1992 would have kept mum of all these years. It is rightly argued on behalf of the management that after obtaining the certificate the worker did not approach the management. It is common knowledge that in every field there are unions to guard the interest of their members and other employees. If really he would have asked to go by the management he would have approached the union for getting necessary reliefs. The fact that they did not approach clearly speaks against him. In the notice the worker had taken the contention that he had made oral requests. This is a strong ground for making allegation without any basis and merit. I do not accept it.

15. The worker had placed reliance on letter dated 28-10-91 in his notice and in the statement of claim for establishing his right. But he had not produced the same. Jacob denied to have knowledge in respect of the same letter. As the letter is not on the record it cannot be relied. From the testimony of Jacob a written statement and the argument it reveals that 17000 casual labourers were absorbed by the department as per the scheme which they introduced in view of the Supreme Court Judgments. The sum and substance appears to be that those workers who have completed 240 days as a casual labourer should be given a temporary status and be absorbed. Exhibit-2|1 is copy of the letter dated 22-9-89 issued by Assistant Director General of Government of India, Department of Telecommunication. It deals with applicability of Industrial Disputes Act of 1947 while retrenching the casual labourers in the department. This circular would have been made applicable if the worker would have been retrenched from the service. But for the reasons stated above namely that he is keeping mum for 8 years not taking any objection for his removal clearly speaks out that for his own reasons he abandoned the job. As that is not a retrenchment there is no need of compliance of any of the provisions of the retrenchment under the Industrial Disputes Act of 1947.

16. Exhibit-12|2 is an order in respect of some clarification which was asked to the Government in respect of casual labourers (grant of temporary status) and regularisation scheme. There it is mentioned how one year has to be calculated. It can be further clarified by that letter in casual labourer who had not engaged prior to 30-3-85 and did not qualify for temporary status in accordance with paragraph 1.5 of the casual labourers grant for temporary status and regularisation scheme on 1-10-89 will become eligible for grant of temporary status subsequently on completion of performance of duty of 240 days. That goes to show that if a person had completed 240 days prior to 30-3-85 is entitled to have a temporary status. So far as this worker is concerned I have already observed above that he completed 240 days in August, 1984. Exhibit-12|4 is another circular dated 18-3-92 issued by Assistant General Manager (R&D) for C.G.M telecommunication. It refers to absorption of casual mazdoors. In para-1 of the said circular it is mentioned that a mazdoor who have entered prior to 30-3-85 but terminated and/or not admitted subsequently on the plea of break in service due to departmental/personal reasons. It is further observed that their case should be examined and they may be given temporary status. I have observed above that the worker had left the place for his own reasons. Even if that is so on the basis of the circular his case has to be considered. It appears that the management considered the case but rejected the same on the ground that he did not complete 240 days i.e. obviously incorrect.

17. For the above stated reasons the worker is entitled for a temporary status and obviously an employment. But he is not entitled to backwages or continuity in service. But as I have come to the conclusion that the Tribunal had no jurisdiction to decide the matter he is not entitled to any of the reliefs. In the result I answer the issues accordingly and pass the following order :

ORDER

The Tribunal has no jurisdiction to decide the reference.

S. B. PANSE, Presiding Officer

नई दिल्ली, 4 सितम्बर, 1996

का. आ. 2769—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी पी डब्ल्यू डी के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-96 को प्राप्त हुआ था।

[संख्या एल-42011/18/93-आई. आर. (डी यू)]
के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 4th September, 1996

S.O. 2769.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 3-9-1996.

[No. L-42011/18/93-IR(DU)]

K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 120/94

In the matter of dispute between :

Shri Mehar Singh & Salak Chand Represented by CPWD Mazdoor Union, E-26 (Old Otr.) Raja Bazar, Baba Kharak Singh Marg, New Delhi,

Versus

M/s. Executive Engineer, Construction Division 1, CPWD, I. P. Bhavan, New Delhi.
APPEARANCES : None.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42011/18/93-IRD (DU), dated 31-10-1994 have referred the following industrial dispute to this Tribunal for adjudication :

"Whether the management CPWD was justified in not regularising services of S/Shri Mehar Singh, S/o. Shri Bhagat Singh and Salak Chand S/o. Shri Arjun Singh working as beldar and also non-grant of time scale on the principle of equal pay for

equal work ? If not what relief the workmen concerned are entitled to ?"

2. The case was fixed for settlement of the dispute but none appeared for the workman while the representative for the management was present. It appears that the workman is not interested in the adjudication of the dispute. No evidence has been led by either of the parties. No dispute award is given in this case leaving the parties to bear their own costs.

13th August, 1996.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 4 सितम्बर, 1996

का. आ. 2770—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी पी डब्ल्यू डी के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-96 को प्राप्त हुआ था।

[संख्या एल-42011/69/95-आई. आर. (डी यू)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 4th September, 1996

S.O. 2770.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 3-9-1996.

[No. L-42011/69/95-IR(DU)]

K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 54/96

In the matter of dispute between :

Shri Daya Shankar Prasad, Driver, C/o. Kodai Prasad, House No. 19/1014, Lodhi Colony, New Delhi-110003.

Versus

Joint Secretary, CPWD Karamchari Union, C-15, Bhai Veer Singh Marg, Gole Market, New Delhi-110001.

APPEARANCES : None.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42011/69/95-I. R. (DU), dated 21-3-1996 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Executive Engineer Division A. CPWD, I. P. Bhawan, New Delhi in terminating the services of Shri Daya Shankar Prasad, Driver is just, fair and legal ? If not, to what relief the workman is entitled to ?"

2. The workman appeared in this case on 18-6-1996. He did not file statement of claim and the case was adjourned to 5-8-1996 and neither the workman appeared on that date in person nor through any representative. It appears that the workman is not interested in continuing with this dispute. No dispute award is given in this case. No order as to costs.

5th August, 1996.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 4 सितम्बर, 1996

का. आ. 2771.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार खादी ग्रामोद्योग कमीशन के प्रबन्धनत्व के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-96 को प्राप्त हुआ था।

[संख्या एल-42012/191/89-आई आर (डी यू)]
के. वी. बी. उन्नी, डैस्क अधिकारी

New Delhi, the 4th September, 1996

S.O. 2771.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Khadi Gramodyog Commission and their workman, which was received by the Central Government on 3-9-1996.

[No. L-42012/191/89-IR(DU)]

K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. NO. 84/90

In the matter of dispute between :

Shri K. L. Joshi, U.D.C. through the Vice President, Khadi Commission Karamchari Union, 14, Shivaji Nagar, Civil Lines, Jaipur-302001.

Versus

Director, Khadi Gramodyog Commission, B-7, Sehdev Marg, C-Scheme, P. B. No. 18, G.P.O., Jaipur-302001.

APPEARANCES :

None for the workman.
Shri Sidharth Sharma for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/191/89-I. R. (D. U.), dated 27-7-1990 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of Khadi Gramodyog Commission in denying opportunity of interview to Shri K. L. Joshi, U.D.C. for the posts of Superintendent and Assistant Director, advertised by the Commission vide their advertisements dated 1-9-1985, respectively is justified ? If not, to what relief is the workman concerned entitled ?"

2. The workman had not been appearing in this case since 19-4-1996. No ground to adjourn the case further was made out. The No dispute award is given in this case leaving the parties to bear their own costs.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 4 सितम्बर, 1996

का. आ. 2772.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरदर्शन केन्द्र के प्रबन्धनत्व के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-96 को प्राप्त हुआ था।

[संख्या एल-42012/164/86-डी II (बी)]

के. वी. बी. उन्नी, डैस्क अधिकारी

New Delhi, the 4th September, 1996

S.O. 2772.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Doordarshan Kendra and their workman, which was received by the Central Government on 3-9-1996.

[No. L-42012/164/86-D. II (B)]

K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESID-
ING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, PANDU NAGAR, DEOKI PALACE
ROAD, KANPUR

Industrial Dispute No. 169/87

Shri Sunil Misra Jatashanker Pokhar Behind
Gurdwara Dharamshala Bazar, Gorakh-
pur.

And

The Assistant Station Director Doordarshan
Kendra Gorakhpur.

APPEARANCE :

None for the management.

V. P. Srivastava for the workman.

AWARD

1. Central Government, Ministry of Labour, vide its notification No. L-42012/164/86-D. II (B), dated 20-8-1987, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Assistant Director Doordarshan Kendra Gorakhpur in terminating Shri Sunil Kumar Misra from service w.e.f. 18-6-86, and not affording him re-employment required under section 25-H of Industrial Disputes Act, as alleged, is legal and justified? If not, to what relief the concerned workman is entitled?

2. The concerned workman Sunil Kumar Misra has alleged that there were some vacancies of clerk grade II (CG-II) in All India Radio Gorakhpur. The applicant also applied. His name was sponsored by Employment Exchange. After test and Interview four candidates including concerned workman were selected. The concerned workman joined on 7-5-1985. After working for six months he was sent to Doordarshan Kendra Gorakhpur where he worked upto 12-6-1986 continuously from 13-6-86 to 17-6-1986 he was on leave for 5 days, when he joined on 18-6-1986, he was not permitted to do so. It amounts to retrenchment as no notice pay and retrenchment compensation was paid as such there has been breach of section 25-F I. D. Act. Further juniors to him were retained in service hence, there has been breach of section 25-G of I. D. Act. In this way retrenchment of the concerned workman is bad in law.

3. The opposite party has filed reply in which it is alleged that opposite party is not an industry. It is further alleged that concerned workman was given appointment on ad-hoc basis. There was no permanent vacancy. One Madhur Tripathi was selected by Staff Selection Commission. When he came to join, the services of the concerned workman brought to an end. Nothing has been said about breach of section 25-F and 25-G of I. D. Act.

4. In support of his case, the management have given affidavit of Udai Bhan Mishra Assistant Station Director while Sunil Kumar Mishra has filed his affidavit. He was further cross examined. The management has also filed Ext. M-1 copy of appointment letter. On the other hand the concerned workman has filed Ext. W-1 to W-7. Ext. W-1 is the copy of application given before ALC on 4-7-1986. Ext. W-2 is office order dated 6-2-1986 by which the concerned workman was allowed duty. Ext. W-3 is the copy of representation dated 23-6-1986, while Ext. W-4 is the copy of letter dated 13-6-1986. Similarly Ext. W-5 is letter dated 19-6-1986. Ext. W-6 is the attendance register where as Ext. W. 7 is the letter issued by opposite party to the concerned workman that he may collect his dues as his services were brought to an end because his services were no longer required.

5. As far as the first point is concerned, I am not inclined to agree with the management that the opposite party management is not an Industry. It has been stated by the concerned workman Sunil Kumar Mishra that the opposite party indulges in Advertisement and collect huge amount of money. It is in the nature of profit making business. Indeed this fact has not been denied by the opposite party. I fail to understand as to how an organisation which indulges in profit making business can claim protection in the garb of "Performance of Sovereign Function". Hence turning down the contention of the management it is held that opposite party is an Industry.

5. The second point which calls for determination is as to whether the appointment was in permanent vacancy or on ad-hoc basis. I am not inclined to accept the statement of Sunil Kumar Misra in this regard as it stands negated by Ext. M-1 copy of appointment letter dated 7-5-1985 in which it has been specifically mentioned that appointment is on adhoc basis till further orders. Indeed the concerned workman has also accepted this fact in that very letter. Hence on the basis of this letter alone, it is held that the concerned workman was appointed on ad-hoc basis and not in a permanent vacancy.

7. Next it will be seen if the concerned workman was retrenched because of appointment of Madhur Tripathi. Uday Bhan Mishra has said nothing about it. Further no papers have been filed in this regard. Hence in the absence of any oral or documentary proof it is held that concerned workman was not retrenched because of posting of Madhu Tripathi at Gorakhpur. Instead it was independent of such action. The concerned workman has stated that he was not paid retrenchment compensation and notice pay. This fact is not objected by the opposite party. It is also not disputed that the concerned workman has worked from 7-5-1985. Their only plea is that termination was effected from 5-5-1986. This fact is belied by extract of attendance register Ext. W-6 in which the attendance of concerned workman is recorded till the end of May, 1986. In this way the version of the management that the concerned workman was retrenched on 5-5-1986 is not correct. Instead he was retrenched on the date as alleged by him. There could be no manner of

doubt that during this period the concerned workman has completed much more than 240 days, hence section 25-F is clearly attracted. As admittedly no retrenchment compensation and notice pay was paid the termination is bad on this score.

8. There is no evidence worth the name to show that provisions of section 25-G of the I. D. Act have been flouted as no evidence has been given to show that juniors to the concerned workman were retained in service.

9. In the end my award is that termination of the concerned workman is bad in law. He shall be taken in service within one month from the date of publication of this award. He shall also be entitled for back wages at the rate at which he was drawing his wages at the time of his retrenchment. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer